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## Out Of Sight, Out Of Mind: Analyzing Inhumane Practices In Mississippi's Correctional Institutions Due To Overcrowding, Understaffing, And Diminished Funding

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OUT OF SIGHT, OUT OF MIND: ANALYZING INHUMANE PRACTICES  
IN MISSISSIPPI'S CORRECTIONAL INSTITUTIONS DUE TO  
OVERCROWDING, UNDERSTAFFING, AND DIMINISHED FUNDING

By  
Ariel Willams

A thesis submitted to the faculty of The University of Mississippi in partial fulfillment of the  
requirements of the Sally McDonnell Barksdale Honors College.

Oxford, MS  
May 2021

Approved By

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Ariel Williams

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## DEDICATION

To the multitude of contributors, ranging from professional to incarcerated, thank you for extending to me the privilege of hearing and sharing your stories. Without them, this culmination of my research would not have been possible. This thesis makes a humble attempt to alter our perception of prisoners and contentedness with shameful practices within correctional institutions alike. It presents an overwhelming truth that society does not prioritize incarcerated individuals, condemns them by their past, and frequently ignores, perhaps even hinders, their progress. Lastly, to Mississippi, I thank you for your unceasing vulnerability. It is not an easy place to live in, but it certainly is an easy one to love.



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To my thesis advisor, thank you for inspiring me to rise against the ever-so-present complacency of how we treat incarcerated individuals. We are always much more than the worst things we have ever done.

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To the current and past incarcerated individuals of Mississippi, thank you. I vow to continue highlighting the conditions that you endure and will advocate for you as best as my education allows me.

To my friends and family, thank you for providing me with love and support as the nature of the topic often left me feeling unable to help and hopeless; your unwavering belief in me allowed me to persevere.

To the University of Mississippi, thank you for providing me with abundant resources to conduct my research. It is due to you that I am fully able to quote and analyze these copyrighted materials.

## ABSTRACT

Postcards from Parchman: Analyzing the Lack of Humanity in Mississippi's Prison Systems  
(Under the guidance of The Macarthur Justice Center's Director Cliff Johnson)

The purpose of this research is to examine the political, social, and economic factors which have led to inhumane conditions in Mississippi's correctional facilities. Several methods were employed, including a comparison of the historical and current methods of funding, staffing, and rehabilitating prisoners based on literature reviews. State-sponsored reports from various departments and the legislature were analyzed to provide insight into budgetary restrictions and political will to allocate funds. Statistical surveys and data were reviewed to determine how overcrowding and understaffing negatively affect administrative capacity and prisoners' mental and physical well-being. Ultimately, it may be concluded that Mississippi has high inmate populations which are disproportionate to that of staff. This conflicting reality is a result of improper funding by the Mississippi legislature, failure of legislators to prioritize the issue of correctional reform on the agenda, and general disinterest from the public. Several recommendations are made in the final chapter to address why the legislature should increase funding and how the funds should be used when obtained to improve the incarcerated population's quality of life and prepare them for, if eligible, a smooth transition back into society.

## PREFACE

From an early age, I have always admired the art of story-telling. The intricate, yet so simple, nature of how letters could form words, and words could weave narratives. These compelling chronicles are inherently valuable in ensuring that future generations never forget the experiences of those who have come before them. However, I discovered a unique genre of this art form is that which tells the stories no one wants to hear - the ones people want to forget. As a society, we dismiss these topics as taboo. However, the daunting reality is that we seldom have the luxury of happy endings in real life.

Moving forward with this research has been in many ways both crippling and empowering. The task of understanding the prison-industrial complex is not a simple one. There are multi-dimensional factors that have led to its creation, successes, and failures. Yet, in the state of Mississippi, wrought with socioeconomic, racial, and ideological differences, the failures of the criminal justice system have inherently trickled into nearly every county, community, and home.

Furthermore, the topic of humanity is innately subjective. There is no singular definition. When applying benevolence to the treatment of offenders in society, the definition becomes even more dismissed. Each day, a new citizen enters this complex system--stripped of their rights, name, possessions, and freedom. And on a great day, an inmate may find themselves leaving this system--still stripped of certain rights, struggling to establish their identity, and deemed stained by society. Collectively, we put them there and ensure they leave different than when they entered. The theme that unfortunately emerges indicates most do not leave better. Perhaps, they are reformed, redeemed somehow. The intent of this research is not to state they should not endure penance, but that the penance we place on them should be just, equitable, and humane. Here are their stories, the ones no one wants to hear because the taboo reality is that anyone of us is capable of finding ourselves in their place.

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LIST OF ABBREVIATIONS:

Abbreviation:	Contextual Meaning:	First Used on Page #:
S.B	Senate Bill	11
FY	Fiscal Year	15
R.V.R	Rule Violation Report	27
SPE	Stanford Prison Experiment	39
PTS	Post-Traumatic Stress Disorder	45
NIS	National Inmate Survey	46
BJS	Bureau of Justice Statistics	47
ACASI	Audio Computer-assisted Self-Interview	47
NCVS	National Crime Victimization Survey	48
MDOC	Mississippi Department of Corrections	49
TIS	Truth-in-sentencing	54
SPECM	State Prison Emergency Construction and Management Board	55
ACLU	American Civil Liberties Union (ACLU)	61
H.B.	House Bill	65
PEER	Joint Legislative Committee on Performance Evaluation and Expenditure Review	68

## INTRODUCTION:

Long-considered one of the most conservative and iron-fisted states in the nation, Mississippi has historically been incredibly tough on crime. Nestled in what is considered the Bible Belt, conservative state leaders have consistently adhered to the “an eye for an eye, a tooth for a tooth” approach to justice (*New International Version*, Matthew 5.38). Over time, it has become evident that their notions of justice have been unequally applied, particularly following the emancipation of slaves and ensuing racial barriers forged by Jim Crow laws. Reports from numerous censuses and inmate intake data indicate a correlation supporting this claim.

Throughout the past two centuries, social revolutions have taken place overturning the past few decades’ systemic injustices. Mississippi legislators, however, cyclically create new laws riddled with loopholes that, in practice, appear to reinforce what social progressives have undone. Frozen in time, the state continues to suffer economically and socially by upholding such traditionalist practices. As the nation around them continues to evolve in these areas, Mississippi has found itself exempt- unable to escape the past, much like those who are imprisoned.

The phenomenon of mass incarceration is not unique to the state of Mississippi. It has been steadily increasing throughout the United States of America, which has the highest incarceration rate in the world (The Sentencing Project, “State-by-state Data”). According to data from 2020, approximately 25% of the world's total prison population is detained in the United States, despite the US having only four percent of the world’s total population (The Sentencing Project). This issue places a hefty burden on state budgets to provide housing,

clothing, meals, and medical care for criminals. For states that consider themselves to be “tough on crime,” taxpayers are consequently responsible for providing these necessities. Located behind only two other states, Louisiana and Oklahoma, Mississippi is ranked third in the nation for having the highest rate of incarceration (The Prison Policy Initiative).

Data from 2021 indicates that 623 per 100,000 Mississippi residents are prisoners. (World Population Review). To maintain the state’s three major prisons, regional correctional facilities, community work centers, restitution centers, transitional housing units, and numerous county jails, the Senate must appropriate considerable funds. The passage of S.B No. 2936 allocated \$310,898,986 to be distributed to the “Mississippi Department of Corrections for the fiscal year beginning July 1, 2020, and ending June 30, 2021” (Hopson et. al).

In addition to the financial strain this places on taxpayers, the hardships on the correctional staff, prisoners, as well as their families and their communities are numerous and relentless. The Mississippi Department of Corrections inmate population report from February of 2021 divulges it is responsible for an average of 17,098 individuals and has a maximum capacity of 24,721 inmates across all facilities (Mississippi Department of Corrections, “Daily Inmate Population”). These numbers indicated that the state is operating at roughly 69% capacity. The latest MDOC annual report from 2019 indicates an average inmate to officer ratio of 12:1 (Mississippi Department of Corrections “FY 2019 Annual Report”, 16). On the contrary, the national average inmate to correctional officer ratio is 4:1 (Zeng, 1). An outlier, the problem of overcrowding and understaffing in Mississippi poses major challenges to the ability of facilities to operate. The conflicting ratio affects the ability of the staff to perform their job humanely and safely. Literature reviews featuring statistics and narratives from incarcerated individuals and staff alike indicate this issue has been a constant in Mississippi.



Certainly, other states' models may be useful in proposing solutions to address this issue. For this thesis, however, the distinctive intersection of the role of religion, politics, social climate, and economics in Mississippi is unable to be truly standardized to apply other states' methods. Additionally, the focus here is on the state, its legislature, and citizens themselves. It poses an isolated challenge to the state to reckon with all factors, both historical and current, that have led to this issue. In looking to other areas of the nation, with better resources and accurate legislator-constituent representation, we lose sight of our shortcomings. While an interesting concept, the actions of other states to address their modern-day criminal justice system ailments will not be thoroughly covered in this paper.

Analyzing the historical rise of mass incarceration in the state and the lack of adequate funding to support the needs of incarcerated persons, the complex stories of those who find themselves confined behind bars merge to weave a nasty narrative. Recounting the incentive behind the correctional system in the state as we know it today, the state uniquely fixates its gaze on financial gain and, subsequently, turns a blind eye to prisoner abuse. The result is the thematic impression that prisoners are not people, nor should they be treated as such. The lack of humanity is the highlight of their experience. Out of sight and out of mind, neglect and maltreatment run rampant in the prison system. For society, this poses a major problem. Acting in the capacity of complacent citizens and disengaged legislators, we not only decide and abide by the laws which we impose on ourselves but may also decree which humans are worthy of being treated as a human under those laws.

## CHAPTER I: The History of Penal System in Mississippi (1905-1949)

Parchman Penitentiary, also known as Parchman Farm, has been considered a “powerful signifier in American penal history” (Taylor, vii). This institution is infamous for its for-profit model which appears to omit opportunity for redemption while serving as a basis for the state’s financial gain and structured oppression of society’s offenders. For both fiscal and social conservatives in the state, it is a win-win. Examining the legislative intent behind the erection of Parchman, the social and economic ramifications become increasingly evident. This historical analysis plays an essential role in assessing why the state modeled Parchman in the fashion of a plantation and how a series of reforms were able to both positively and negatively shape it over time. In further demonstrating the usage of the correctional facilities as a punitive tool for rebellious citizens, the states’ imprisonment of every-day citizens, the Freedom Riders, will be assessed. Additionally, this thesis will cover the psychological effects and violence incidence that prisoners endure upon entry as a result of political, social, and economical factors. Lastly, the current conditions of the state’s department of corrections will be examined, and suggestions for reform will be proposed in the final chapter.

### I. The Origin of the Parchman

One cannot discuss the construction of Parchman Farm without including the entanglement of racial, cultural, political, and economic motivations for such a penal system. Following the Civil War, the poverty-stricken and war-torn state of Mississippi was unable to rely on slave labor for their main crop cotton. Faced with the strenuous task of “rebuilding and sustaining an infrastructure, Mississippi and other state governments turned to a familiar

expedient to fund their penal institutions” (Radishofski). While sharecropping was frequent, ex-plantation owners utilized an even cheaper loophole, the convict lease system. This was a method by which convicts, viewed as property of the state, could be contracted out to plantations and industries in exchange for feeding, clothing, and housing the prisoners (Blackmon, 352).

While seemingly a lucrative business proposition, the convict lease system created an adverse effect, the incentive to restore the white supremacist aesthetic of the South.



The implementation of Black Codes and Jim Crow laws

disproportionately affected the number of free African-American males who were convicted for minor crimes (Radishofski). Douglas Blackmon’s book *Slavery By Another Name* recounts the numerous generations of black men confined to the cycle of convict leasing and chain gangs from Reconstruction up until World War II. Blackmon further discusses the issue: “Instead of evidence showing black crime waves, the original records of county jails indicated thousands of arrests for inconsequential charges or for violations of laws specifically written to intimidate blacks—changing employers without permission, vagrancy, riding freight cars without a ticket, engaging in sexual activity—or loud talk—with white women. Repeatedly, the timing and scale of surges in arrests appeared more attuned to rises and dips in the need for cheap labor than any demonstrable acts of crime” (Blackmon, 13). In Mississippi alone, the prison population quadrupled between 1871 and 1879 (Shelden).

As the number of inmates began to increase, the quality of treatment of the inmates began to decrease. In labor camps in Mississippi from 1880 to 1885, the death rate for white convicts averaged at 5.3%, while the death rate of black convicts averaged at 10.97% (Howell). Legislators and lessees alike began to recognize the severity of the issue given the contrast of the average annual mortality rate in Midwestern prisons that did not lease out convicts which ranged from 0.51% to 1.08% (Howell). Despite an economic boom due to revenues from contract leasing programs generating nearly four times the cost (372%) of prison administration (Mancini, 343), Mississippi became the first state to abandon the practice due to “abuses and corruption” after December 31, 1894 (United States House of Representatives). Nonetheless, evidence from Blackmon’s book shows the practice was unlawfully continued for nearly six decades afterward. Officially, Mississippi was forced to account for its large number of prisoners. In 1900, the state’s legislature settled upon the demolition of the collapsing penitentiary for the construction of a new capitol building in Jackson and appropriated \$80,000 for the purchase of a 3,789-acre property in Sunflower County (Mississippi Department of Corrections, “A Brief History”).

The Mississippi State Penitentiary, or Parchman Plantation as it was first called, would serve as the state’s first correctional facility and would be constructed in place of “Gordon Station,” a crumbling railroad spur (Yardley). Between December 31, 1900, and January 17, 1901, the legislature finalized fourteen land deals which expanded their initial proposal, totaling approximately 23,000 acres between Sunflower, Hinds, Holmes, and Rankin Counties (Taylor, 20-21). This deal would be particularly advantageous for Mississippi’s Agrarian Democrats, who believed there would be nothing to gain from a convict to simply sit and take up space in a cell. As was the case of succession in the Civil War, Mississippi chose to follow suit with South

Carolina's philosophy of reforming convicts through hard labor and forced penitence. There would be no shortage of labor on the expansive property nor work for the convicts, mostly ex-farm hands or sharecroppers.

## II. Vardaman Takes Over

Despite the poor soil and drainage issues, Parchman's infancy appeared to have been a major success. In its first fiscal year (FY) 1905, the inmates generated approximately \$185,000 for the state legislature (Taylor, 36). This feat grabbed the attention of James Kimble Vardaman who was known as the "White Chief." After he was elected governor, Vardaman became infatuated with the idea of the penal farm as a solution to what he called "criminal negroes" who had no "way to live without honest toil," and were actively menacing "the safety of the white man's home" (Aldrich, 10). While comparable to most governors Vardaman was perceived to be the most progressive Southern politician of his time, his "silver-tongued," good-ole-boy demeanor created quite a stir amongst the white population; despite his racist comments, many historians commend him for his contributions to penology (Taylor, 26).

Vardaman published several editorials in April 1894 condemning brutality against convicts, reminding Mississippians of their Christian values, and ascertained that the premise of the penal system should be to prepare convicts for social respectability upon their release (Vardaman, 27). He publicly stated that the "eye for an eye" argument was a reflection of ignorance and that legal sanctions were not to be "inflicted in the spirit of revenge, but rather for correction - in love rather than hate" (Vardaman, 27). Other plans included a percentage of the profits made from the convicts' labor to be sent to their families, the construction of a school on grounds to teach the convicts, and a juvenile reformation unit, specifically to educate the youth who had been incarcerated and prepare them for reintegration into society. (Vardaman, 27).

Unfortunately for the state and the thousands of incarcerated individuals, his words were simply that--just words, folly-fueled verbiage that fell on deaf ears. Parchman never did



implement the juvenile program. The Mississippi Department of Corrections website demonstrates a specific young prisoner in their public archive photo gallery, Inmate No. 6849, who was the youngest inmate at age 10 on the farm in 1932 (Mississippi Department of Corrections, “Archive Photo Gallery”). Even so, it is most likely Vardaman reserved the hope for redemption only for white prisoners. For the overwhelming majority of African-American prisoners, Vardaman only saw dollar

signs and a grave. The black underclass was said to have “haunted him;” he was known for his racist ideologies and said several times that the “state’s jails were full of ‘worthless niggers” (Taylor, 31).

Vardaman’s cries and editorials attacking the criminal justice system were merely a political ploy. In humiliating the efforts of the penitentiary board and recalling the numerous private contractors who still benefited from illegally leased inmates, he fulfilled his agenda. In 1906, legislative recommendations took hold, effectively abolishing any pre-existing board of control for the prisons, orchestrating the placement of all of the state’s convicts on state lands, and removing the prison’s official warden in place of a superintendent (Taylor, 36). His ensuing statutes privatized nearly every aspect of the prison and ensured all employees and members of the new three-member board of trustees would be appointed by or approved by Vardaman himself (Taylor, 39).

With the power to control the flow and placement of every incarcerated individual, the first course of action was meticulous segregation. Rankin County Farm housed the white, male convicts, Oakley Farm housed all female convicts and the ill white males, and Belmont Farm housed the older and ill black males (Taylor, 39). While Parchman contained the young and healthy black males. The strategic placement of the men at Parchman fortified antebellum dynamics (Taylor, 39). As was the correlation with slavery, the population of black inmates grew proportionately to the demand for labor on Parchman's farm, making up 80% of the population (Taylor, 32).

### III. Convict Leasing: It Makes Cents

When the population of black males tapped out, the board of trustees resorted to funneling inmates from outlying farms over to Sunflower County. By July 1915, Parchman housed nearly 80% of the state's total prison population (Taylor, 40). Race and gender alike began to be less important factors where profit was concerned (Taylor, 60). As the lumber and cotton industry continued to prove forthcoming, the atrocities of back-breaking, free labor no matter who was providing it were ignored in the face of financial success. In FY 1906-1907, Parchman alone yielded \$24,606.84 (Taylor, 41). Following the intentional segregation of healthy, black inmates, profits leaped to \$176,000 in FY 1907-1909 (Taylor, 41). As the legislature began imposing strict statutes on miscegenation and railroad segregation in 1906, the prison was overwhelmed with the convictions of African-Americans who resisted. (Bringing History Home, 6). It is here that the trend of states criminalizing minor offenses, leading to increased incarceration and overcrowded prisons emerges. By the books, their efforts were successful given the influx of new convict laborers; from the fiscal year 1911-1913, Parchman had profiteered \$937,000. (Taylor, 41). In 1912, the chair of the Joint Peniententary Committee

to the Mississippi Legislature was quoted in their report praising Parchman, stating “think of 16,000 acres of land stretching out before us as level as a floor and fertile as the Valley of the Nile, in the very finest state of cultivation” (Taylor, 4).

#### IV. Women at Parchman

While there are few reports on the status of the women’s contributions to the penal and profit system during this time, the small number of female convicts were considered “remarkably productive” (Taylor, 43). The experiences of the female inmates were said to be racially integrated and their work revolved around domestic industries, such as textile production (Taylor, 43). However, records indicate the incidence of white women in Mississippi’s prisons during this time was rare. Between 1923 and 1933, the state had an average of 62 women (Taylor, 43). The few white women who were incarcerated, usually briefly, served their sentences working as domestic laborers in the governor’s mansion or at the state institution for the “insane and feeble-minded” (Taylor, 43). This was just as Vardaman had intended. During his four-year reign, his innovative, though disgraceful, method of structuring Mississippi’s penal system left a tremendous impact. As far as the state legislature and treasury were concerned, “it was impossible to doubt that Mississippi now had ‘one of the best, if not the best, Penitentiary systems in the United States.’” (Taylor, 41). Unlike his short gubernatorial term, Vardaman’s legacy would be long-standing.

#### V. Special Privileges

Following Vardaman’s reign, Parchman was still effectively a labor camp. Prisoners toiled for six days straight and were allowed a day of rest on Sunday (Taylor, 57). A practice that closely resembles the institution of slavery on former plantations, which allowed the slaves a day of rest on the Sabbath. Notes from guards, however, show the “day off” for the Sabbath was far



from holy. Prisoners were allowed to gamble through sports betting and “rollin’ bones,” as well as drink homemade corn liquor and engage in the company of prostitutes (Taylor, 57). One correctional officer from the 1930s recalls the acceptance of the phenomenon: “Hell, nobody knows when it started. It just started. You gotta understand, mister, that back in them days niggers were pretty simple creatures. Give a nigger some pork, some greens, some cornbread, and some poon-tang ever now and then and he would work for you. And workin’ was what it was all about then. I never saw it, but I heard tell of truck-loads of whores bein’ brought up from Cleveland at dusk. The cons who had a good day got to get ‘em some right there between rows. In my day we got civilized - put ‘em in little houses and told everybody that them whores was wives. They kept the Baptists off our backs” (Taylor, 58).

His testimony is supported, conjugal visits were akin to a stimulant fueling the inmates. After a week’s worth of back-breaking labor, they had something to look forward to. While conjugal visits were permitted as soon as Parchman Plantation opened, the first documented conjugal visit occurred in 1918 (Hopper, 103). Originally, only African-American men were permitted to engage in visits, as their sexual drives were perceived to be more innate than those of their white counterparts (Taylor, 58). Female inmates were not allowed to engage in sexual intercourse, as they did not want to have a pregnant inmate to be responsible for, nor unable to work at her full capacity (Oshinsky, 153). By 1930, white men were able to engage in conjugal visits, but prostitutes were specifically delivered to the prison for African-American men to reward them for their work and to provide an incentive for productivity. Lightly applying their sense of correlation, it is true that between 1906 and 1933, while all prisons elsewhere were recording mounting deficits, the receipts of Mississippi’s penal farm exceeded disbursements by well over \$4.2 million (Taylor, 63). Records and songs written by prisoners indicated that

Parchman paid 50-cents to each prostitute for her services (Hopper, *The Conjugal Visit at Mississippi State Penitentiary*, 103). The prisoners and staff looked forward to the women coming with such consistency and anticipation that by 1940 there were a series of “red houses” built specifically for conjugal visits, illegal or not (Williams and McShane, 172).

The access to the inmates by visitors in-general created an image for the Mississippi State Penitentiary as “the most liberal visitation program in the United States” (Hopper, *The Evolution of Conjugal Visiting in Mississippi*, 134). The grounds even built a childrens’ playhouse to entertain the visiting children in between the intimate hours of wives visiting. Prison officials supported the expenditures on such structures as a way to preserve the marriages and family structures of inmates, as well as to reduce incidents of prison homosexuality (Hopper, *The Evolution of Conjugal Visiting in Mississippi*, 342). By 1944, revised allowances of visitation and leave meant that some inmates were able to make short visits home outside of an emergency, such as for funerals, weddings, or simply as a reward; it was the only penal system in the country to do so (Hopper, *The Conjugal Visit at Mississippi State Penitentiary*, 340-341).

Despite the many incentives Parchman offered, the public and legislature alike still held the notion that criminals should be subject to frequent corporal punishment. Unlike most prison systems, Parchman was responsible for a unique set of inmates, most were violent offenders. Between 1911 and 1929, approximately 32% of admitted convicts were murderers and 34% entered because of some miscellaneous grave offense against another person (Taylor, 60). Defying traditional prison archetypes, the amount of punishment was rarely used. On May 7, 1936, the Jackson newspaper *The Clarion-Ledger* accurately reported that “flogging abuses have been rarely reported from the Mississippi penitentiary” (Taylor, 64). It is unlikely that human abuses did not occur at Parchman, as they did in prisons throughout the country, but the reigning

purpose of their placement--hard labor--meant that the physical inflictions would be minimal. “An excessively disciplined convict laborer could not work, and indeed was a liability and a drain on precious resources. Utility, if not those of humanitarianism, impinged heavily on Parchman’s sole official means of positive punishment” (Taylor, 62).

## VI. Parchman Under New Leadership

Following in Vardaman’s footsteps, the resulting Mississippi governors would place special care into the state’s prison system. Governor Edmond Favor Noel consistently advocated for alternative arrangements for convicted minors and officiated a formal mechanism for early release for prisoners (Taylor, 65). Governor Earl Leroy Brewer continued to allocate resources and options for young offenders, as well as implemented several policies to remove the influence of political parties over the prison (Taylor, 65). Governor Henry L. Whitfield was known as one of Parchman’s “most intimate friends” and his primary mission was to remind the ever-changing legislatures that the essence of Parchman was to be a “moral hospital.” (Taylor, 65). Here, one can assess that the influence of not only public policy but those charged with creating and implementing it are of the most value to the prison system. Surely, as this historical account has shown there were many shortcomings in Parchman’s early days. However, the presence of benevolent, understanding leaders who view prisons as an infirmary for the soul and one’s past completely restructured the way most people thought of prisons then and think of them now.

Outside of governorships, Varadman’s philosophy of “benevolent convict discipline and reformation” echoed throughout the prison’s board of trustees for decades (Taylor, 65). Most notable is Colonel Will Montgomery whose wife-turned-widow, Betsy, was appointed to the board and then elected to remain seated from 1927 to 1936; she served as president of the board for her last four years (Taylor, 65). One member of the board defined her time on the board as

displaying a “record of ... endeavor to make life for state’s unfortunates [with] a brightness in knowing someone was interested in them as human beings” (Taylor, 65). Unfortunately, the onset of ever-changing political agendas, greedy hands, and negligence would cause Parchman’s trajectory of economic success and attempts to interject glimpses of humanity into the prison system to come to a halting end.

The intent of Vardaman’s system of checks and balances which required the board’s trustees to be considered for election every four years proved to be a fundamental flaw. The nature of the authentic, democratic process for board seats meant that almost every four years the board dramatically changed, and with its procedures, staff, and mentality. The inconsistency led to constant in-fighting and board members hoping to get rich for a short-term were in the majority. By the mid-1930s, the hard-working convicts had lost nearly all incentive and were living in filth, insurrection amongst the board was at an all-time high, and the ever-flowing cup of Parchman’s productions finally ran dry.

With the full effects of the Great Depression running its course throughout the country, Parchman was no exception. Between 1929 and 1933, Parchman accrued a deficit of \$707,000; prisoners were sickly, starving, barely clothed in the winter, and unable to work (Taylor, 73). For two years, the state legislature did not provide a single cent for facility improvements (Taylor, 73). Mississippi’s 1932 fiscal report was only able to allocate \$32.31 per inmate for a full year, which came out to \$0.08 per inmate per day. (Taylor, 73). In an attempt to restore the once-fruitful prison to its former glory, Governor Martin Sennet Conner officially removed Vardman’s system of checks and balances with the passage of the Penitentiary Act of 1934 (Madar). Effective January 1, 1936, the system of the once-elected board of trustees would be vacated and replaced with a board of commissioners consisting of three gubernatorial appointees

who were “planter-politicians” (Taylor, 74). These changes were accompanied by the massive upheaval of policies aimed to prevent influence from political factions, those that ensured humane punishment, as well as offered several incentives to boost morale.

## VII. Economic Recovery Following the Great Depression

The numerous penal facilities, which specifically housed certain demographics, were integrated not out of societal progression, but rather to increase profit. The dynamic of corrections at this took the form of governors pulling the reins of the entire criminal justice system, while the legislature held the checkbook (Taylor, 75). Despite this, the prison system was left to essentially fend for itself. The pressure to start producing a profit for not only self-sustainability but to meet the expectations of the legislature, was at an all-time high. While corruption was frequent, Parchman was able to combat the steadily falling prices of cotton utilizing the political connections of the planters on the board. In 1936, the prison was able to sell cotton at 12 to 14 cents per pound; by 1938, the board accrued interest from several European companies who eagerly bought the low-priced cotton at high amounts, a trend that continued up until 1945 with the end of World War II (Taylor, 77). Their success meant that the political benefits would be handsomely rewarded.

Members of the correctional committees from both the House of Representatives and Senate were frequently invited to Parchman entertained by feasts, visits to the dog kennels, and dove hunts (in which convicts were substituted for retrievers) before the legislators’ facility inspection (Taylor, 78). Outside of the legislative body, Parchman became regarded as a looming enigma. Trustee Montgomery said, “[it is] surprising to know how few people understand, or in fact, have ever thought about .... what the penitentiary is, or how it is operated.” This was not because of a lack of interest by the general public, but rather the lack of available knowledge due

to the governor and his legislative pawns' immovable strongholds which limited the release of prison records and media access.

Conner's initiatives and resulting politically-fueled superintendents would ensure reform would not be on the agenda, so long as the convicts turned a profit. Between July 1, 1936, and June 30, 1940, the planetary reported net profits of nearly \$400,000, the only prison generating profit in the country (Taylor, 81). Between 1941 and 1944, Parchman made a remarkable financial recovery and produced a profit of \$1,123,223.58 (Taylor, 82). The grounds now housed a machine shop, shoe shop, slaughterhouse, implement shed, and cold storage plant with new additions - effectively, doubling the capacity of the institution (Taylor, 88). These luxuries were awarded due to their contribution financially. In modern times, public awareness regarding goods produced as a result of coerced or forced labor tends to deter consumers. The same held for the several other states and penologists alike who were unimpressed, stating that there was a "total absence of the paraphernalia of reform in Sunflower County" and an unnatural parallel to slavery (Taylor, 84).

Unable to exert influence on interstate media and politics, Mississippi made attempts to adhere to more modern and "humane" concepts of penitence. In 1939, Mississippi began allowing the option of parole (Taylor, 86). In 1940, the state ended the practice of hanging as capital punishment and opted for a portable electric chair that was transported to the convicting county for usage (Taylor, 86). This was done largely to keep Sunflower County residents pleased, as they feared their county would be labeled "a death county" (Cabana). The first individual executed by this method was Willie Mae Bragg, an African-American man who was convicted for murdering his spouse; the execution took place October 11, 1940, in Jefferson Davis County (Mississippi Department of Corrections, "Death Row Executions"). Additionally, in 1942, the

legislature approved the construction of an establishment for “delinquent and dependent black children” at the worn Oakley farm (Taylor, 86). Public and judiciary outcry had finally broken their streak of silence, and the state finally made well on promises made decades prior.

In 1941, the Sunflower County grand jury, once a stout advocate for Parchman’s activities, publicized evidence of “excessive flagellation” of convicts and ultimately asserted that Mississippi’s prison systems seemed to be 1.) solely invested in profit-making and 2.) displayed an inexcusable disregard for the rehabilitation and welfare of the convicts (Taylor, 89). In January 1944, the newly elected governor Tom Bailey aimed to address these concerns head-on; it appeared another attempt to lift the veil of mystery shrouding Parchman Farm was on the way. Whereas the first few decades were defined by worldly incentives such as sex and liquor in exchange for hard labor, new Superintendent Marvin Wiggins interjected educational and spiritual components aimed at boosting morale, creating rehabilitation programs, and preparing convicts for life beyond the prison walls.

#### VIII. Reform At Last

Wiggins employed minister A.R. Beasley and his assistant George H. Skutt, who with the help of the state’s department of education, implemented adult elementary education programs for approximately 900 prisoners who possessed a less-than-fourth-grade education (Taylor, 95). Unprecedented to the times, the classes were all racially integrated likely due to lack of administrative resources more so than will. The courses were available in the form of one-hour sessions occurring three times a week during the lunch break, and daily evening sessions were available for tutoring and studying (Taylor, 97). Beasley additionally allowed more educated convicts to host classes as well, which further enhanced the comradery between the convicts and deconstructed departmental notions that prisoners would not leave in a better condition than

when they entered (Taylor, 97). Their programmatic successes attracted local attention, resulting in the frequent visits of two local superintendents of the nearby school districts who taught more advanced classes (Taylor, 97). One report from June 30, 1947, indicated that of the 600 convicts who participated in the program, more than half became literate and “read with obvious pride in their new ability to pounce the printer words” (Taylor, 98). By all accounts, these individuals would have likely not been able to pursue education or achieve literacy outside of incarceration.

Furthering his agenda, Beasley’s proposition of more structured religious services was approved by the board, resulting in the purchase of pianos and the organization of the “Inmate’s Gospel Service of Camp 6” in January of 1946 (Taylor, 98). These Christian faith-based efforts allowed prisoners to identify the nature of their sins and crimes, find self-forgiveness, and see hope for redemption. A visitor to Parchman who was observing a Sunday gathering stated, “There is no church or chapel and guards stand by with guns, but the spirit of the service is good” (Taylor, 98). Additionally, Beasley was able to contact Dr. D. A. McCall, an executive member of the Mississippi Baptist Convention to host a week-long revival in May of 1946, which resulted in the baptism of eight convicts (Taylor, 98). It is difficult to assert whether the outward profession of inward spiritual progression was genuine, but the spectacle left the possibility of vindication lingering in the air.

By June 1947, Beasley’s programs had produced 949 services with 37,622 inmates and their visitors alike in attendance (Taylor, 99). While the state, public, and penitentiary board were enamored with the progress, it’s crucial to note that not all inmates were. In regards to the benefits from the religious service, an inmate stated in an interview, “C’mom man, you don’t really believe that any of us read that Jesus shit?” (Taylor, 99). Additionally, another inmate



critiqued that neither himself nor any of his fellow convicts “gave a damn about education”; they merely attended “because [they] had to and because [they] wanted out of the joint.” (Taylor, 98).

While there may have been skewed incentives for Beasley’s educational and religious programs, Superintendent Wiggins was able to propose many reforms that all prisoners would support. In December of 1944, Parchman began the nation’s first furlough program, which allowed well-behaved convicts to leave the grounds for ten days during the Christmas holiday (Taylor, 99). Wiggins also greatly expanded the visitation program, which allowed family members access to their incarcerated loved ones for entire afternoons on the third Sunday of the month and two hours on other Sundays (Taylor, 99). In 1947, he advocated for the purchase of a projector that allowed prisoners to attend a movie night twice a month (Taylor, 99). Furthermore, for the first time in the prison’s history prisoners were able to circumvent sergeants and guards, and became able to “convey suggestions and express grievances [directly] to the prison administration” (Taylor, 99). It was also during this time that the practice of parole became widely used; in 1946, Mississippi had the lowest parole decline rate in the Southeastern States Probation and Parole Conference (Taylor, 99).

The passage of the Penitentiary Act of 1948 prompted the employment of fifty civil guards and salary increases for all current and staff members; these changes placed a \$120,000 increase on the Sunflower County tax base (Taylor, 101). Additionally, the staff increase included the hiring of an educational and vocational director (Taylor, 101). Under the National Mental Health Act, funds for Mississippi became available from federal appropriation, and by July 1948, the state was allocated \$3,000 annually for psychiatric treatment of convicts. (Estelle et. al, 3). While Parchman was the predominant correctional facility, the spotlight on the institution diminished interest in issues of the others. Dr. Estelle Magiera and colleagues asserted

in a Public Health Report concerning the evolution of a psychiatric program in Mississippi highlighted an issue for African-Americans, specifically younger ones who were held at Oakley. The report from May 26, 1950, states: “We are at a total loss in handling the feeble-minded Negro child as there are absolutely no facilities in the State. The Industrial School at Oakley for Negro males will not admit the feeble-minded child. Because of the crowded conditions there, it is almost impossible to admit any child to the institution” (Estelle et. al, 9).

Continuing in the sweep of reformation, Senator Fred Jones who represented Sunflower County advocated for and secured the employment of classification specialists at Parchman whose presence allowed the prison to probably categorize and place convicts “based on their criminal tendencies” (Taylor, 102). This segregated violent and non-violent offenders to properly identify what unique measures would be needed to rehabilitate them, and was intended to enhance security. Senator Jones also asserted that the end of days of “back-breaking” labor which ‘degraded’ convicts was long overdue (Taylor, 102). Proposing legislation, Senator Jones was able to withdraw half of the inmates from the fields and had machines installed to fall in line with modern agricultural practices (Taylor, 102). The installment of machinery prompted the penitentiary to bring in a variety of jobs centered on the production of goods that would be utilized in various state departments (Taylor, 102); this, in tandem with the vocational training staff, allowed prisoners to learn technical skills that would aid them in getting a future job. Success continued with the educational director W. R. Burrus who graduated 308 convicts on March 31, 1949, advancing their level of education from a first-grade to a fifth-grade level (Taylor, 106).

Despite the major evidence of progress and public praise such as the 1947 report which stated Parchman’s system was “good business, good management, good penology, and not at all

incompatible with the reform and rehabilitation of criminals," the concept of prison in Mississippi was still one that generated fear (Taylor, 107). Tales and songs featuring the legendary Parchman fueled threats used to subdue unruly children and keep African-Americans, especially under control. Delta blues singer and ex-inmate Bukka White's song "Parchman Farm Blues" warns listeners: "Oh listen you men: I don't mean no harm. If you want to do good ... you better stay off old Parchman Farm" (White). The usage of songs recounted the continuance of forced labor and racial disparities provided fellow inmates and the public, even today, the opportunity to affirm the physical and mental hardships endured during their time in the prison.

The most flagrant failure in the Mississippi penal system from 1909 to 1945 is the same as the modern day. Leaders in the public policy sphere do not listen intently to the needs of their constituents. Unable to vote or exercise a majority of democratic freedoms, prisoners are often dismissed as being constituents. This is something that, yes, Mississippi needs to consider, but additionally the nation as a whole. The "lock 'em up" rhetorics cause more harm than good, the opposite of the purpose of public policy. It's the solution that has long been practiced to control populations that we fear or deem unsightly. Regardless of political party or prospect of financial gain or loss, legislators must reckon with the manifestation that prisons are a direct representation of who we are as a society. By the time individuals reach the prison system, the state and overarching government have failed them time and time again. For those who dissent, we are all also one faulty decision away from being imprisoned ourselves. This is reflected with the imprisonment of the Freedom Riders, as discussed in the following chapter. On the cusp of the Civil Rights Movement, the state and nation alike were shaken by a social reckoning and for those who were arrested, Bukka White's lyrical warnings became a daunting reality.

## CHAPTER II: Race Relations: Analyzing the Freedom Riders' Time at Parchman

In 1961, Jim Crow had its claws into every aspect of daily life, segregating citizens from the cradle to the grave. The most overt efforts for reconciliation originated in the public transportation system. During this year, the Freedom Riders began challenging the lack of federal and state enforcement of the United States Supreme Court decisions *Morgan v. Virginia* (1946) and *Boynton v. Virginia* (1960), both resulting in the declaration that the segregation of public buses was unconstitutional. This took the form of traveling across the South on racially-mixed buses and protesting, often by simply entering a segregated restaurant or similar public facility. Their civic action was perceived as social deviance and usually resulted in arrests for trespassing, unlawful assembly, and the most “flagrant” offense, violating the state or city’s Jim Crow laws.

The 436 Freedom Riders had become infamous for the stir they began to cause (Silver, xiii). Vicious mobs had become quite an issue for them, as police would allow residents of the Southern communities the opportunity to express their grievances, typically in violent ways. Away from the public, President John F. Kennedy’s administration engaged in back-room dealings with Governor Ross Barnett of Mississippi and Governor John Malcolm Patterson of Alabama (Cooper and Terrill, 754). They arranged that the governors would agree to provide state police and send their National Guard members to protect the protestors from mob violence (Civil Rights Movement Archive). Barnett and Patterson agreed, cushioned by the administration’s promise to not send the federal enforcers into communities, thus stopping local police from engaging in their arrests (Civil Rights Movement Archive). On May 24, 1961, twenty-seven of the Freedom Riders boarded their buses in Montgomery, Alabama, and started for Jackson, Mississippi, unknowingly walking into a trap orchestrated by governing bodies (O’Reilly, 204).

While their buses were shielded by a caravan of Highway Patrol and National Guard vehicles, as was arranged, their temporary protectors had no jurisdiction to ensure their safety once they had arrived. The Riders were arrested within moments of using the “white-only” amenities at the Tri-State Trailways Depot (Gómez, 44-45). With three buses unloading by May 28, 1961, all Riders were arrested; the last as they disembarked at the Jackson Greyhound station (Mississippi Department of History and Archives). Determined, the Freedom Riders shifted their focus to Jackson, which appeared to be the beating heart of the state’s racial indifference. Bus after bus, they were all arrested. Once the jails in Jackson and Hinds County had reached capacity, the Freedom Riders were sent to the infamous Parchman (Dione, 112). In assessing the presence of humane behavior, this chapter of the prison’s and state’s correctional system could not be ignored; for here, it is most absent.

Relying on written testimonies published in Carol Ruth Silver’s book titled *Freedom Rider Diary: Smuggled Notes from Parchman Prison*, it is crucial to note the Freedom Riders were not hardened criminals, they were civically engaged, most were college students or ministers. They were not murderers or rapists; however, at the time their passion and performative protests were perceived as illegal, merely a challenge to the “way things were”. As was the case with violators of Mississippi’s Black Codes, a major theme of relational legality emerges. To assess the prison system, we must assess the reason the system exists: to house prisoners. Additionally, we must consider what makes someone a prisoner. For the Freedom Riders, it was the act of contesting law that the Supreme Court decreed inherently flawed.

Silver vividly recounts being stripped of her possessions, clothing, and money. The meals were not indecent, but rather warm and delicious, and washed down with lukewarm water; the guards told her “There ain’t no cold water in Mississippi” (Silver, 27). She was also warned

about the rodent infestation by her new cellmate, “y’all better watch out for rats, they’ll crawl right over while y’all’re sleeping” (Silver, 26). Once moved to the Hinds County jail, evidence of inhumane treatment emerged. One jailer taunted the Freedom Riders, asserting that Reverend C.T. Vivian, an African-American minister from Nashville, had refused to say “sir” and had subsequently been placed in the “hotbox” (Mangrum). The “hotbox” was also referred to as “the box” or the “sweatbox,” which was a type of solitary confinement technique often used in humid and hot regions such as the American South (Shelden). Those placed in the often metal box or room under the sweltering sun would experience extreme temperatures, dehydration, exhaustion, and potentially death depending on the duration and conditions of the placement (Starosielski). As is thematic with penal punishment, these methods were also frequently employed during slavery.

Originally, only the male Freedom Riders were initially going to be sent to Parchman; however, overcrowding in the female division of the Hinds County jail would later force the female Freedom Riders over to Parchman (MS Civil Rights Project). While incarcerated, the women were in integrated cells. It’s interesting to note this happenstance because their placement in Parchman was due to their integration on buses and the depot, but in prison, the racial dichotomy is ignored. As the Freedom Riders continued to sing songs such as “We Shall Overcome,” they received feedback and companionship from the shared wall of the Maximum Security Unit and Death Row (Silver, 58). The African-American man whom they spoke with claimed to have been convicted of raping a white woman, but had his case appealed by the National Association for the Advancement of Colored People and was expecting action; he had been awaiting notice for a year (Silver, 58).

Parchman under the political influence of acting Governor Ross R. Barnett had looked much different from the benevolent and humanitarian-focused efforts of Governor Henry L. Whitfield's term. Barnett was effectively a mouthpiece for white supremacists and was largely known for his attempts to prevent James Meredith from becoming the first African-American student to integrate the University of Mississippi. When questioned about the Freedom Riders by Dennis O'Brien for an oral history interview on May 6, 1969, Barnett responded with: "Well, we didn't have much trouble with the freedom riders. When they didn't obey the officials here in the City of Jackson in Hinds County, we just simply put them in jail, and when the jails were all filled and the mayor's chicken coops down on the fairground were all filled, there were thirty-two of them left, and it was my happy privilege to send all of them to the State Penitentiary at Parchman and put them in maximum-security cells. We put them in maximum security cells so they would be protected, you see. You haven't heard of any more freedom riders in Mississippi." (O'Brien).

Very little was simple about their time in prison, Governor Barnett was quoted as saying, "We don't want to break their bones. We only want to break their spirits." (Arsenault, "We Were Prepared to Die: Freedom Riders"). The guards played a crucial role in acting well on Barnett's claims. Silver writes how the Freedom Riders were addressed by one particularly watchful guard who threatened them, "Y'all are going to cut out all of this noise and singing. Y'all are going to quit talking to them niggers back of y'all. If I hear any more noise from y'all, y'all ain't going to get to write no letters. If y'all don't quit singing I'm going to take away your mattresses and y'all're going to be sleeping on that cold, hard, steel." (Silver, 59). The threat was more of a promise. The Civil Rights Movement largely considers the behavior and treatment inflicted upon

the Freedom Riders, many of whom had never committed a crime, to be akin to “psychological torture for up to sixty days at a time” (Arsenault, “We Were Prepared to Die: Freedom Riders”).

The more descriptive of the harmful realities of Parchman, and prison life in general, that Silver gets, the more readers gain insight into what life was like for the Freedom Riders and what it is currently like for inmates held there. Bugs, rats, angry guards, lack of privacy, questionable food - these are not the exception, but the expectation. Nonetheless, the telling of their experience indicates a larger, more pressing truth: prison is not simply a punitive process, it's a psychological one with detrimental physical elements as well which will be discussed in the next chapter. The book goes on to recall the lack of regard for their health as a Freedom Rider who is referred to as Del begins to have asthmatic symptoms. The guards gave her an arbitrary pill twice, ignored her pleas for medical attention, and mentioned, “Y’all know, we’ve got a graveyard at this prison, too” (Silver, 70).

For four days, the women were not allowed to perform basic hygiene activities such as combing their hair or showering (Silver, 64). One rare wash day, Freedom Rider Ruby Doris Smith had asked for protective foot coverings as she had gotten a vicious case of athlete's foot following her arrest for sit-ins in Rock Hill, South Carolina (Silver, 64). Sergeant Storey, who was caught peeping at the women showering earlier, and other trustees forced Ruby out into the hall of the cell block equipped with a pressure washer hose and a floor brush (Silver, 64). She recalls, “When they brought her back, she was stumbling a little,” (Silver, 65). “They had taken her into the shower, turned the water on a couple of times, and scrubbed her down with the floor brush, concentrating especially on the sensitive areas of the skin and between her legs” (Silver, 66). Ruby was menstruating at the time, as well as suffering from ulcers from uncleanness (Silver, 67). On July 3, 1961, Sergeant Tyson ordered all of their mattresses be removed and



windows closed; these demands were then carried out violently and immediately; fans were also turned on at night, making the steel frames of the beds even conduct the low temperatures easily (Silver, 74). Upon a scheduled inspection of the conditions, the African-American women were removed from the bunks and sent to the prison hospital facility likely to hide evidence of necessary, but hypocritical, integration (Silver, 75).

Two weeks later, on July 15, 1961, Silver and several other Freedom Riders were released (Arsenault, "Freedom Riders: 1961 and the Struggle for Racial Justice", 378). They stated they had felt as if they "belonged to the human race again," an interesting but not uncommon comment many released prisoners proclaim (Silver). In the foreword, the book claims for the Freedom Riders "the price of victory was a temporary loss of freedom--an unexpected, sometimes frightening, strangely satisfying experience that changed not only their lives but also the pace and course of the ongoing struggle for civil rights and racial justice. The lessons they learned in Parchman, the added moral and intellectual strength that they derived from their prisoner experiences, and the bonds of friendship and common purpose forged during those trying but ultimately triumphant" (Silver, xvii). While their overall efforts were greatly successful in reshaping the racial dynamics of society and law, the nobility of their presence in prison is largely considered. While yes, it was their patriotic efforts of civic disobedience that nullify their sentences and criminal backgrounds, it is important to also consider the experiences of individuals who did nor do not willingly anticipate their fate behind bars. Outside of civil rights movements and agendas, being a prisoner or criminal is not a righteous thing. It is with this statement that this research begins to prompt society to explore this phenomenon more. As humans, we are all capable of and likely have (but have not been caught) committed acts of unorderedly conduct or disregard for the law. The question becomes: what is it that allows the

“non-criminals” the capacity to create punitive systems for criminals, and even more so what effects do the level of equality and humanity within those punitive systems have on the criminals, and perhaps society as a whole?

### CHAPTER III: Analyzing the Psychological Effects of Institutionalization on Prisoners

It is relatively easy for society to apply sympathy to those who are wrongfully incarcerated, victims of biased laws such as the Black Codes, and as well for those like the Freedom Riders whose detainment held greater progressive implications. However, the entire image of incarceration must be dissected, and the effects of the penal system, even for the most heinous criminals, will likely leave a lasting impression on the convict's perception of self, absence in their communities, and onto their families alike. This chapter will employ the usage of several published studies regarding the impact of imprisonment on primarily those convicted, but will also consider correctional staff, community members, and policymakers. The intent of this portion of the paper is not to delve into the potential pre-existing mental disorders of prisoners, but rather carefully apply studies and theoretical models to assess the psychological process of the prison-industrial complex on individuals involved.

Prison systems are unique institutions, especially in America where principles of freedom and democracy exist as the foundational values for citizens and the laws that govern them. Prison indicates the opposite of those notions, exercising complete control over the lives of individuals who are sentenced to spend portions of, if not the remainder, of their lives within them. In the United States, these conflicting values systems are defined by the "saturation of government in restricting or imposing choices on individuals" whereby its "enormous reach means that the competence and benevolence, or lack thereof, is magnified in [such a] context" (Bierie and Mann, 480).

Evidence of flagrant inmate abuse and violation of constitutional, as well as, human rights in the Mississippi State Penitentiary was brought to light in the 1974 case of *Nazareth*

*Gates v. John Collier v. Mississippi State Penitentiary Superintendent et. al.* This landmark case, decided by the Fifth Circuit Court of Appeals, brought an end to the century decades-old trusty system as well as numerous forms of corporal punishment that had been considered a violation of inmates' Eighth Amendment rights (Frug, 715). *Gates v. Collier* was the first case of its kind to have such large judicial intervention by a court in the function of prison practices. The court transcripts include heinous actions such as "handcuffing inmates to the fence and cells for long periods, ...and forcing inmates to stand, sit, or lie on crates, stumps, or otherwise maintain awkward positions for prolonged periods" (*Gates v. Collier*, 501 F.2d 1291 (5th Cir. 1974)). Civil rights lawyer Roy Haber met with several inmates in 1970 and transcribed their recounts of abuse allegations ranging from being physically detained in an unusual manner, sexual violence, threats or murders committed by trusty inmates, "jumpings", and general violence. Many men, both black and white, described their experience as being akin to and even "worse than slavery". The facility itself was said to be generally repulsive, as the "prisoners were housed in large barracks that were rundown and filthy, with 100-120 in one room" (Cunningham). District Court Judge William Colbert Keady commented after several visits to Parchman that he saw 'filthy bathrooms, rotting mattresses, polluted water supplies, and kitchens overrun with insects, rodents, and the stench of decay' (Oshinsky, 320).

The transcripts fully recount the malicious disregard for the bare minimum consideration of human life. "The entire waste disposal system has been condemned by state health and pollution agencies. The electric wiring is frayed and exposed, representing a safety hazard. At most camps, there is a lack of adequate fire fighting equipment making it, as stated by the Penitentiary Superintendent, 'almost impossible to put out a fire at Parchman with the present water system and the present fire-fighting equipment.' The bathroom, kitchen, heating, and

housing facilities are inadequate. Broken windows are stuffed with rags to keep out the cold and rain. The bathroom facilities lack the number and quality of operable commodes, showers, and other hygienic necessities. For example, at Camp B., for 80 men, there are three washbasins which consist of oil drums cut in half. The building facilities at most camps, 'are in a deplorable state of maintenance and repair,' as reported by the Mississippi Joint Legislative Committee, January 4, 1971, and result in subhuman conditions” (*Gates v. Collier*, 501 F.2d 1291 (5th Cir. 1974)). Medical treatment and proper tools for hygiene were deprived. One inmate testified he slept naked on the concrete floor, encrusted in his own excrement. Others reported contracting contagious diseases from ill prisoners who were not quarantined. The court decided that the Mississippi State Penitentiary unconstitutionally “maintained a system of prison facilities segregated by race; and, additionally, the defendants have failed to provide the inmates with adequate housing, medical care, and protection from assault from other prisoners; that the conditions of the sewerage disposal and water systems create an immediate health hazard, and that prison officials have permitted the custodial staff, including inadequately trained armed trustees, to inflict cruel and unusual punishment upon inmates in violation of the Eighth Amendment. The United States seeks injunctive relief to remedy the alleged misconduct of defendants" (*Gates v. Collier*, 349 F. Supp. 881 (N.D. Miss. 1972)).

Reflecting on the case Judge Keady declared Parchman was an “affront to modern standards of decency and was “unfit for human habitation” (*Gates v. Collier*, 349 F. Supp. 881 (N.D. Miss. 1972) ). In addition to revealing the shameful practices and unregulated treatment of inmates at the Mississippi State Penitentiary, *Gates v. Collier* successfully ended the trusty system at the institution. As was the case with its origin in 1903, the trusty system could be an effective solution to understaffing; however, what is and has been observed is that prisoners who

are placed in an elevated position will often be just as, if not more, cruel than the guards themselves (Yesko).

While controversial and lacking proper scientific methods such as the reliance of a dependent variable, the infamous social psychology study is known as the Stanford Prison Experiment (SPE) accurately demonstrated the assignment of individuals “to a toxic role will, on its own, unlock the human capacity to treat others with cruelty” (Haslam et. al, 1) The Stanford Prison Experiment was a study conducted in 1973 by Philip Zimbardo involving 21 college-aged males, who by the flip of a coin, were randomly assigned the role of a prisoner or prison guard in an artificial prison setting located in the basement of Jordan Hall on the Stanford University campus (Stanford Libraries). The study was prematurely ended due to the violent and unethical behavior of the participants; it is widely criticized amongst psychologists and investigative scholars alike, but the findings provided indispensable points about the dynamics of relationships within prison settings (Bierie and Mann). Authors David M. Bierie and Ruth E. Mann produced an article discussing the contributions the SPE made to correctional science. Bierie and Mann believe taking psychological approaches into account when discussing penal institutions is essential. They state: “Psychologists have been key to the creation and/or delivery of scientific information that served as turning points in corrections history. They have both assisted in the introduction of useful insights and also helped buffer against erroneous and sometimes dangerous turning points in the field” (Bierie and Mann, 481).

Most overtly, the dynamic between prisoners and correctional staff must be understood from a psychological standpoint. The individuals are met with a power dichotomy: one party enforces the rules, the other is expected to follow them. However, humans falter with relationships centered around authority due to their innate ability to demonstrate will-power.

Ultimately, their analysis of the SPE “produced two interrelated paradigm shifts”: one, “it showed that the problem of abuse and violence between staff and prisoners is a function of structure”, and second, “it revealed, powerfully, that prisoners and guards were not so very different from each other (or the rest of us)” (Bierie and Mann, 481). Additionally, their review places a justifiable emphasis on the need for the behaviors of legal institutions and administrative staff to fall in line with procedural justice. Essentially when authoritarian figures act ethically and respectfully, applying a reasonable degree of sanctions where fair and due, as well as allowing for prisoner feedback and participation in decision-making processes, all parties find steady common ground. The results are “reduced prison violence, increased prosocial change, and lowered recidivism”; staff members also report that when procedural justice is applied, their experience is “associated with less punitive and more rehabilitative attitudes as well as greater job satisfaction” (Bierie and Mann, 482).

Each exchange between prisoners and correctional staff is crucial to the structural integrity of the prison, a place designed to diminish liberty and exercise control. Coupling the fall of funding, insufficient employment of staff, and increase of incarcerated individuals, meaningful and intentional encounters between prisoners and staff are few and far between. The mere quantity of staff is not enough to minimize instances of prisoner mistreatment and general violence, but additionally, the quality of the staff members must be optimized. This topic will be explored further in the next chapter. Decades after conducting the SPE, Zimbardo proposed “it should be understood as a failure of leadership and an underestimation of the power of the situation and the system to produce behaviors that, as human beings, we do not like to think we are capable of” (Bierie and Mann, 481). Tangibly, prisons can adopt stringent and clear sets of values to provide staff and inmates alike with a model for behavior. In the SPE, Zimbardo did

not provide instructions nor present them with a values system to commit to. This was likely intentional, the allowance of “ambiguity for the guards in what they were supposed to achieve led them to overemphasize control at the expense of decency and humanity.” (Bierie and Mann, 481). The prisoners, in response, became aggressive, plotted escape attempts, or unfortunately submitted completely to the domination. The lack of direction on the guard’s parts and lack of understanding of basic ethical procedures by the prisoners ensured the temporary purpose of the mock prison, which was rehabilitation, was not fulfilled.

In actual prison settings, the negative psychological effects are ever-more pressing. University of California researcher Craig Haney discusses some of these psychological impacts of incarceration. Haney focuses primarily on the trends that appear in American prisons regarding mental harms. The main trend that emerges is that of increasingly harsh policies and conditions that de-emphasize “rehabilitation as [the] goal of incarceration” (Haney). The result is a detour from the intent of prisons as an opportunity for redemption and a redirect towards their usage as a prolonged punitive measure. Should prisoners become eligible for release or parole, they would re-enter a society that continued to move forward while they were physically, financially and emotionally frozen or stunted behind bars. This also entails having a criminal background, which could prevent them from getting certain jobs or even prohibiting their usage of constitutional rights such as voting.

For those spending life in prison, many convicts will likely display more advanced deterioration of mental health, as they may feel hopeless or committed to the idea that despite any positive efforts, their fate is sealed. Furthermore, while incarcerated, many of the opportunities to seek mental health resources are thwarted due to the combination of overcrowding adversely [affecting] living conditions, jeopardized prisoner safety protocols,



compromised and understaffed prison management, and, thus, limited availability for participation in meaningful programs such as counseling or therapeutic group work (Haney). In abandoning the idea of rehabilitation as prisons' primary role, prison systems especially those in conservative states such as Mississippi have seen "an erosion of modestly protective norms against cruelty toward prisoners" (Haney). Efforts to hire more staff for the often-thought undesirable occupation as a correctional officer have led to large-skill "deskilling" of staff, who tend to be younger, less academically inclined, and possess less emotional intelligence (Haney). All of those prove to be a rather deadly combination of qualities for the task of facilitating the rehabilitation of criminals.

The refocused emphasis on "punitive and stigmatizing aspects of incarceration has resulted in the further literal and psychological isolation of prison from the surrounding community, compromised prison visitation programs, and the already scarce resource that has been used to maintain ties between prisoners and their families and the outside world" (Haney). While confined, the decreased staffing has led inmates to be subject to "extreme forms of prison discipline (such as punitive isolation or "supermax" confinement) that had especially destructive effects on prisoners and repressed conflict rather than resolving it" (Haney). Thus, this intensifies the tensions between prisoners and staff and generates higher levels of fear and danger. Not only are more prisoners being exposed to these harmful methods, but they are also exposed for a longer time due to mandatory minimum and harsher sentencing. The external and internal repercussions have certainly affected offenders, who after the "War on Drugs" began experiencing rigorous policing, such as drug offenders and their predominantly minority communities. (Haney). The lack of social workers in prisons and mental health resources only amplifies the situation.

Haney's research indicates that psychologists are generally skeptical about whether the pains of imprisonment generally translate into psychological harm, but most concede that, for some, "prison can produce negative, long-lasting change" (Haney). Additionally, they generally agree that the more extreme, harsh, dangerous, or otherwise psychologically-taxing the nature of the confinement, the greater the number of people who will suffer and the deeper the damage will occur (Haney). Regardless of the extremes, the process of institutionalization or prisonization, as it is sometimes referred to, has been studied extensively by sociologists, psychiatrists, and psychologists who contend that varying degrees and conditions may emerge in response to the unique demands of prisons (Haney). Each day, inmates' thinking, behavioral, and emotional habits are slowly, but surely, shifting. The effect is they, like all humans responsive to new and unusual stimuli, which are often pernicious and frequent in prison.

The manifestation of these mental health difficulties is even greater in younger inmates who do not quite fully possess the capacity for autonomy and enhanced mental processing skills that a mature, neurologically developed adult would have (Haney). Naturally, the experience of ten-year-old Inmate 6849, who was the youngest inmate on the Parchman farm in 1932, neurologically-speaking would be much different than his older counterparts. Upon exit (if eligible), these younger inmates are conditioned to prison life and have inhibited independent judgment, therefore upon reentry into society they will have "have little if anything to revert to or rely upon if and when the institutional structure is removed" (Haney). For those who are older, the process of relinquishing autonomy is even more difficult and degrading. Recalling these inmates have zero to no control over their day-to-day decisions such as when they can eat meals, shower, sleep, make calls, or have visitation privileges, in the final stages of the institutionalization process, Haney suggests "some inmates may come to depend heavily on

institutional decision-makers to make choices for them and to rely on the structure and schedule of the institution to organize their daily routine” (Haney).

In rare cases, “profoundly institutionalized persons may become extremely uncomfortable when and if their previous freedom and autonomy are returned” (Haney). This method of reliance and irritability in non-prison settings has been related to individuals who experience Stockholm syndrome and display signs of traumatic entrapment which frequently occur with victims of long-term kidnapping or domestic violence (Cantor and Price). For released inmates, this may take the form of self-destructive behaviors or impulse control issues (Haney). The fact that inmates are heavily regulated, guarded and watched by on-duty staff members and cameras removes all aspects of privacy. While this is essential to monitor their behavior, as well as prevent escapes and prisoner-on-prisoner assaults, the inmates become more surveillant and hypervigilant. Displaying interpersonal distrust and heightened suspicion, Haney reinforces these incidents by stating “many prisoners believe that unless an inmate can convincingly project an image that conveys the potential for violence, he [or she] is likely to be dominated and exploited throughout the duration of his sentence” (Haney). Prisoners begin to display what can most wholly be considered primitive behavior such as hoarding food, creating self-defense weapons such as “shanks”, and existing in a “fight-or-flight” mode.

The method of feigning a hardened or tough image only reinforces the criminality of inmates and certainly harms the process of rehabilitation when being surrounded by inmates who mirror the same inward and outward mentality. This is referred to as a “prison mask” and ultimately has long-lasting social effects. “Prisoners who labor at both an emotional and behavioral level to develop a “prison mask” that is unrevealing and impenetrable risk alienation from themselves and others, may develop emotional flatness that becomes chronic and

debilitating in social interaction and relationships, and find that they have created a permanent and unbridgeable distance between themselves and other people” (Haney). This can be incredibly alienating in an already lonesome environment where each individual is repenting for their crimes mentally and physically.

Additionally, it is not surprising that the exhibition of hypermasculinity and distance from sexual partners leads to incidents of rape. The opportunity for violence and assault is high in an environment that specifically houses, and fails to rehabilitate, criminals. Victims of sex crimes can experience feelings such as loss of self-worth, shame, suicidal tendencies, and conditions such as post-traumatic stress disorder (PTSD). One inmate wrote in 2013 that he was “raped at Eastern Mississippi Correctional Facility in Meridian, MS.” He continues to describe his assault: “I was beat brutally and faced several facial and rectum injuries from this attack. I was raped, robbed, and assaulted by several other prisoners. I was held hostage due to the attack in a cell. I was threatened with knives and tormented by these inmates for several hours. I was raped from 11:30pm @nite until 3:30am by one other prisoner. As he raped me continuously all I could do was cry because one false move and I knew this guy would take my life. After being a victim of rape by another male I am suffering still from anxiety, depression, and stress issues because of this attack. I fault the reason that I'm in prison today. If I had one wish I would wish that I never violated the law and shoplifting, which is what got me in prison. I've always wanted to live a normal life and hang out with friends and enjoy. But due to this tragic incident that happened to me all I want to do is speak out to others that are suffering from what I went through and let them know it's okay to speak up and tell someone because no one should be violated of their sexual personal space. I was hurt very badly and sometimes I feel like it's my fault but at the end of the day I know it wasn't” (Anonymous Prisoner, published by ACLU). This testimony was included

not for shock factor, but to vividly demonstrate the undeniable realities of prison life, and to highlight the harm brought upon convicts in the name of justice. While this individual demonstrated remorse for his crimes, the occurrence of a gang-rape was unnecessary for his conclusion.

The nature of the mental processing of and granting inmates justice following sex crimes within prisons are especially challenging for administrations. Victims will often not come report nor seek help following the incident out of fear of feeling emasculated or that their offender(s) will retaliate against them, and the next encounter they may not survive.

The National Inmate Surveys (NIS) which were initially conducted between 2007 and 2009 (NIS-1 and NIS-2) began as a method of fulfilling requirements of the Prison Rape Elimination Act of 2003 for data on at least 10% of all correctional institutions to produce a comprehensive statistical review and analysis on the prevalence of prison rape (U.S Department of Health and Human Services, 172). These surveys were aimed at collecting data on the prevalence of sexual victimization, as well as featured companion surveys on the usage of various substances for abuse. Employing a two-stage probability sample design, the NIS conducted studies in both state and federal prisons. One facility from each state was included; federal institutions which are geographically more sparsely constructed were placed into a common group and sampled like one state. The most recently published sample (NIS-3) was presented to the United States Attorney General and posted June 27, 2019. The original survey ultimately accounted for 10% of the 1,260 State and 192 Federal adult confinement facilities identified in the 2005 Census of State and Federal Adult Correctional Facilities. (Bureau of Justice Statistics). The questions for the initial surveys discussing the usage of substance use were “based on items from past inmate surveys conducted by the Bureau of Justice Statistic

(BJS), such as the 2004 Survey of Inmates in State Correctional Facilities (SISCF), and included questions about lifetime and the first use of drugs or alcohol, being under the influence of drugs or alcohol at the time of their current offense, substance use before being admitted to the facility, problems associated with substance use, and treatment for use of drugs or alcohol” (U.S Department of Health and Human Services). The fourth edition, NIS-4, is currently underway which will feature, according to the BJS, improved questionnaires administered via “audio computer-assisted self-interview (ACASI) instruments administered to inmates” (Bureau of Justice Statistics).

The most recent data from the 2011-2012 NIS-3 survey indicates that an estimated 4.0% of state and federal prison inmates and 3.2% of jail inmates reported experiencing one or more incidents of sexual victimization by another inmate or facility staff in the past 12 months (Bureau of Justice Statistics). Following the trend of the previous surveys, the results produced indicate “rates reported by prison and jail inmates were higher among females than males, higher among whites than blacks, and higher among inmates with a college degree than those who had not completed high school” (Bureau of Justice Statistics). These trends are consistent with the National Crime Victimization Survey (NCVS) and are not unique to prison settings. Furthermore, consistent with extra-correctional environments, the rates of rapes reported are not accurate given the nature of the crime. Additionally, the survey inquired about whether or not the inmates had been experiencing psychological distress. The results show an estimated 6.3% of those who reported experiencing serious psychological distress also reported that they were sexually victimized by another inmate (Bureau of Justice Statistics). The NIS-3 was the first of the BJS surveys to inquire about the inmates’ mental health in addition to incidents of sexual violence. Noting those who may have not felt comfortable enough to report sexual violence but

may have felt comfortable reporting their mental health status, the rates of serious psychological distress in prisons (14.7%) and jails (26.3%) were substantially higher than the rate (3.0%) in the U.S. noninstitutional population age 18 or older (Bureau of Justice Statistics). Based on this data, approximately 40% of convicted individuals experience serious psychological distress. While nationwide efforts have been prompted, given these studies to provide resources for prisoners' mental health needs, inmates have found methods to cope on their own. The National Center on Addiction and Substance Abuse conducted a study in 2010 as well to assess the severity of substance abuse among prison populations. The center reports "65% of the nation's inmates meet certain medical criteria for substance abuse and addiction, but only 11 percent received treatment for their addictions" (National Center on Addiction and Substance Abuse at Columbia University).

Narrowing the focus of the issue as it relates to Mississippi, the Mississippi Department of Corrections (MDOC) published on November 3, 2020, that a raid of Unit 26 at Mississippi State Penitentiary (Parchman) uncovered "a horde of illegal contraband" such as marijuana and "some 200 bottles of liquor". While MDOC Commissioner Burl Cain cites the massive amount of contraband as the result of "gangs' retail networks", his statement also implies that correctional staff members may be providing illicit items. "We are getting information about suspected staff and we intend to arrest and prosecute them," Commissioner Cain said. "If they are assisting in bringing in contraband, we will see that they are prosecuted on trafficking charges in accordance with the law so they will face more prison time." (MDOC Office of Communications). One month before this massive raid, the state of Mississippi was awarded a \$647,461 federal grant "aimed at reducing recidivism by addressing untreated co-occurring substance use and mental health disorders in offenders under community supervision"

(Mississippi Department of Corrections, “Departments of Corrections and Mental Health Partner to Help Reduce Recidivism”). The MDOC’s press release on this topic cites that efforts have been made in the form of departmental partnering and the formation of the Second Chance Act Reentry Program for Adults with Co-Occurring Substance Use and Mental Disorders which lasts for 36 months; the program began on Saturday, Oct. 1. 2020 (Mississippi Department of Corrections, “Departments of Corrections and Mental Health Partner to Help Reduce Recidivism”).

MDOC Communications Director stated that “the grant could not have come at a better time considering the number of incarcerated offenders with mental health and addiction disorders;” 3,194 inmates are receiving ongoing mental health treatment and about 15,000 have self-reported abusing alcohol and drugs (Mississippi Department of Corrections, “Departments of Corrections and Mental Health Partner to Help Reduce Recidivism”). Mississippi Department of Mental Health Executive Director Diana Mikula commented “We believe individuals with co-occurring mental illness and substance use disorders represent a group of people who have been under-identified and may have had difficulties accessing the services they need. The Mississippi Second Chance Act Reentry Program will work to identify these needs and get people the services that can help them begin their recovery process” (Mississippi Department of Corrections, “Departments of Corrections and Mental Health Partner to Help Reduce Recidivism”). Ultimately, the individuals in prison may enter with a substance abuse problem or mental health need. Isolating these persons in a potentially dangerous environment wherein they can be exposed to sexual violence and contraband drugs and alcohol by inmates and staff alike antagonizes any mild or moderate previously existing affliction they may have. Currently, the



individual needs are unlikely to be met sufficiently due to the ever-increasing populations within prisons and the overwhelming need for qualified, caring staff members.

## CHAPTER IV: The Rise of Incarceration and Fall of Correctional Staffing

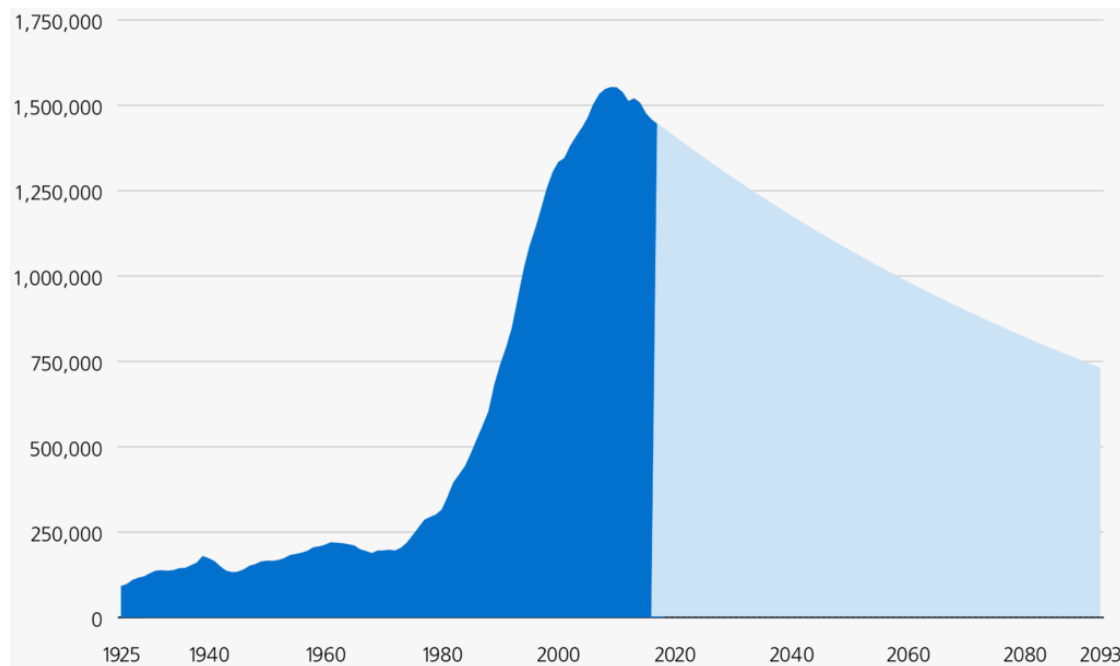
Policy-oriented phenomena such as President Ronald Reagan's "War on Drugs", which launched in 1982, along with its mandatory minimum sentencing propelled the American criminal justice system into an incarceration-driven frenzy (Fornili). This culmination of large-scale production of legislation targeting the drug industry and general crime effectively increased the punitive sanctions of controlled substance users and distributors. Simultaneously, legislators criminalized these behaviors without considering the full ramifications of why individuals may be seeking drugs; the answer is likely a mental factor such as the inclination to addiction or early exposure due to environmental factors and poor upbringing. Instead of assessing the disparities within these communities, predominately Hispanic and African-American, these destructive policies disrupted their home life and overpoliced their neighborhoods. These policies additionally aimed to greatly increase budgets for correctional facilities and law enforcement agencies, while decreasing funding to drug education research and treatment centers (Saxe et. al, 284). Congressional approval of the Comprehensive Crime Control Act of 1984, the first title of the Anti-Drug Abuse Act of 1986, mandated a minimum sentence of 5 years without eligibility of parole for the possession of 5 grams of crack cocaine (a cheaper, less pure form that was primarily used by African-Americans) and established the same sentence for the possession of 500 grams of powder cocaine (a more expensive, pure form that was used primarily by affluent Caucasians) (Boville, 137). Within a decade, the disparity that such policies targeted African-American communities by removing parents from homes for drug usage, leaving their children to live in unideal situations such as with distant relatives or in foster

care, became overtly noticeable. The issue was addressed with the passage of the Fair Sentencing Act of 2010 that reduced the 100:1 weight ratio of crack to powdered cocaine possession to 18:1, and effectively eliminated the 5-year mandatory minimum (“Floor Statement of Rep. Lamar Smith (R-Tex.) on the Fair Sentencing Act of 2010, July 28, 2010, 2).

Beginning with Reagan’s election in 1980 until the peak in 2009, prison populations in America experienced a 400% increase; the general population of the country grew by 36%, while crime rates fell by 42% (Schrantz et. al). This conflicting reality of more people entering prison despite fewer people committing crimes is defined by “tough on crime” rhetorics which lingered following Reagan’s administration. From 2009 to 2016, the trend of decreasing prison populations continued lessening by 6%; nationally, ongoing decreases in crime rates leading to fewer felony convictions, the continuation of reforming “War on Drugs” policies, generation of interest in evidence-based approaches to sentencing, and parole, and rising concerns regarding the financial cost of corrections as a priority for states all contributed to the decrease (Schrantz et. al).

While these efforts and policy changes were paramount in driving the numbers of the prison population down, the projected pace of reform and continuance of such a trend will not be nearly as drastic. Recent analyses conducted by The Sentencing Project estimate that based on the rate of change in prison populations from 2009 to 2016, Americans can tangibly expect current prison populations to be reduced by half in a period of 75 years (Schrantz et. al).

Figure 1: Historical and projected U.S. federal and state prison populations, based on 2009-2016 rate of decline.



The vertical axis represents the estimated total national prison population. The horizontal axis represents the projected year.

*Source of historical figures: Bureau of Justice Statistics (1982) "Prisoners 1925-81"; Bureau of Justice Statistics Corrections Statistical Analysis Tool.*

While major policy proposals have been suggested and passed alike, the effects of such a large societal and legislative shift in mentality continue to rely heavily on prison as a method of punishment and not rehabilitation for convicted criminals. Correctional facilities, especially those located in the state of Mississippi, became flooded with inmates due to several factors following Reagan's policies such as the school-to-prison pipeline, racialized mass incarceration, and for-profit business models that contribute to the state. It appears that until the burdens of these factors have been considered and attempts to drastically minimize or remove them have occurred to expedite the projected 75-year process.

Federal legislation greatly influenced the overcrowding of Mississippi prisons. Despite evidence from the previous decade indicating longer sentences place an undue burden on correctional institutions and communities alike, more acts were created to ensure convicts fully, or near fully, served out the duration of their sentence. The imposition of the federal Violent Crime Control and Law Enforcement Act of 1994 served as a clear indicator that Reagan's "tough on crime" philosophy shift was still a national priority. In 1994, the United States Department of Justice wrote that "it is the largest crime bill in the history of the country and will provide for 100,000 new police officers, \$9.7 billion in funding for prisons and \$6.1 billion in funding for prevention programs which were designed with significant input from experienced police officers" (U.S Department of Justice). Additionally, it provided more substantive provisions for crimes such as sexually violent offenders, gang-related offenses, immigration fraud, and added 60 new offenses to the list of those that could be punished by the federal death penalty. This act prompted states to increase imprisonment rates for violent offenders by allocating funds in the form of federal grants to allow states to increase their prison capacities; while many policymakers believed it could potentially serve as a method of combating overcrowding which made prison riots and prisoner-on-prisoner violence, the result was the opposite. For "truth-in-sentencing" states to be considered eligible for funding (which made up 50% of the bill's \$7.9 billion allocations for states), the United States Department of Justice required that violent offenders must serve at least 85% of their designated sentence (Wood and Dunaway). Mississippi swiftly took heed.

In 1995, the state passed several "truth-in-sentencing" (TIS) laws that mandated felons sentenced to prison must serve at least 85% of their sentence; uniquely, Mississippi applied this mandate to all groups of offenders, not just violent ones (Wood and Dunaway). Naturally, the

state saw dramatic increases in its prison populations. The table below shows that TIS laws certainly played a critical role in the apprehension and incarceration of many more offenders than anticipated.

Figure 2: Revised population estimates (1997-2006) based on TIS and unanticipated changes in judicial sentencing (Wood and Dunaway).

INMATE GROUP	JUNE 1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	TOTAL INCREASE	% INCREASE
Drugs	2243	2520	2847	3197	3627	3996	4322	4658	4968	5187	5530	3287	146.5
Female	803	982	1143	1318	1523	1729	1902	2041	2213	2316	2450	1647	205.1
Habitual	990	1035	1106	1153	1222	1305	1360	1440	1489	1538	1597	607	61.3
Mandatory	988	1081	1264	1264	1362	1434	1508	1571	1641	1686	1753	765	77.4
Non-violent	3277	3487	3810	4119	4461	4811	5174	5461	5681	5919	6113	2836	86.5
Sex	772	809	827	854	891	909	950	972	995	985	1004	242	31.3
Violent	2408	2463	2596	2655	2773	2921	3024	3157	3273	3356	3467	1059	44.0
Total	13,331	14,715	15,933	17,074	18,508	19,829	21,058	22,211	23,261	24,090	24,963	11,632	87.3

Source: Mississippi Department of Corrections inmate population projections 1996-2006 (revised), NCCD (1997a).

The increase is also due to the state's abolishment of eligibility for discretionary parole for all crimes committed after the law's effective date (Wood and Dunaway). Unsurprisingly the prison population more than doubled from 1995 to 2008 to an all-time high of 22,831 inmates, a 485% increase in population since 1980 (Wood and Dunaway). Unable to shield themselves from the crisis, the state projected they would need 5,000 additional beds across facilities to accommodate the steadily arriving offenders (Gray). Crippled by constant failures to meet capacity, the state began to rely on its State Prison Emergency Construction and Management Board (SPECM) which was formed on August 23, 1994 (Mississippi Department of Corrections, "A Brief History"). The SPECM was charged with essentially expediting the contracting and construction of public and private prison facilities. Over the next decade, they would expand a majority of the state's correctional facilities, rapidly adding beds and infrastructure to accommodate the massive influx of convicts.

By 2008, the state's economy was debilitated In the face of chronic overcrowding and staff shortages, the state called upon the provisions of the Prison Overcrowding Emergency Act

from 1972. This act allowed correctional facilities the ability to extend parole again and also established parole for individuals who had served 25% of their time in prison (S.B. 877). Also, acting Governor Haley Barbour pushed for enhanced communications between his office, the legislature, and the Department of Corrections resulting in S.B. 2136, a retroactive reversal of several TIS laws which granted near-immediate population relief (Schrantz et. al).

The Sentencing Project analyzed the methods by which five states were able to reduce their prison populations; they concluded their report with the suggestion of five key strategies that contributed to the states' success. The five states were Connecticut, Michigan, Rhode Island, South Carolina, and Mississippi. Their findings were condensed as follows in the table below (Schrantz et. al). For refinement purposes, Mississippi's methods will be the focal point.

Prison Population Reductions in the Five States					
State	Peak Prison Population	Prison Population Year-End 2016	Reduction in Prison Population		
	Peak Year	Population		Decrease	% Change
Connecticut	2007	19,438	14,532	-4,096	-25.2%
Michigan	2006	51,454	41,122	-10,332	-20.1%
Mississippi	2008	22,831	18,833	-3,998	-17.5%
Rhode Island	2008	4,045	3,103	-942	-23.3%
South Carolina	2008	24,326	20,858	-3,468	-14.3%

Figure 3: Prison Population Reductions in Five State (2006-2008) (Schrantz et. al).

Decreasing their total prison populations by 17.5% over eight years, Mississippi was the third-highest reducer out of these five. The state also saw an 8%

decrease in their violent crimes rates and a 5% decrease in property crime rates based on their index crime rate from 2008 to 2016 (Schrantz et. al) Mississippi also began offering more prisoners the option of discretionary parole; the two years having the greatest amount of population decline occurred in 1999 in which parole was offered to 153% more prisoners and 2014, which extended parole to 104% more prisoners (Schrantz et. al). Another critical step to

reducing prison populations was downsizing. The state vacated 3 private prisons, closed 5 community work centers, and scaled back regional jails and county work programs (Schrantz et. al). Ultimately, it was estimated that the population decrease saved the state legislature \$6 million due to major reforms in 2008 (American Civil Liberties Union). Some of the key strategies presented by the Sentencing Project will be elaborated upon further in Chapter 6 in addition to policy proposals to continue advancing the criminal justice reform agenda in the state of Mississippi.



## CHAPTER V: Recent/Current Conditions in the Mississippi Department of Corrections

The reforms of 2008 allowed prisons throughout the state to experience abundant relief as it pertains to overcrowding, but the state does still face the ever-pressing issue of diminished and unreliable staff workers. This is largely due in part to the occupational hazards and the general perception of the work as being “dirty” or “lack-luster”, low salary, and work shifts being usually 12 hours long. Unable to equip its correctional facilities with high-quality workers, the Mississippi State Penitentiary has had to and currently does reconcile with challenges posed by overworked, underpaid, and usually uneducated staff - a recipe for disaster in penal settings. This happenstance is not unique to the Mississippi Department of Corrections and is rather rampant throughout the state, but the sensitive nature of enforcing punitive justice is where it is most evident. “Mississippi’s poor labor market, struggling economy, and deficient budget do not currently support the needs of the Mississippi Department of Corrections” and limits all institutions’ ability to properly function. Historically, the state has been synonymously associated with poor education and poverty.

Economically speaking, reservation wages are the lowest wage rate at which a worker would be willing to accept a particular type of job (Hall and Leiberan, 342). It is a heavily relied upon factor for an individual seeking employment. In Mississippi, the reservation wage for a correctional officer is approximately \$13.88 an hour (Potter). As prospective employees, working 12-hour shifts in a crowded, dangerous facility or even a tower alone is not sufficient for the pay. Naturally, the “inglorious” work would not be the first choice for most individuals. At the entry-level salary of \$24,900, Mississippi offers the lowest salaries for correctional staff in

the country (Mitchell, “Inside The Prison Where Inmates Set Each Other On Fire and Gangs Have More Power Than Guards). For those who are ultimately persuaded to apply and are accepted, the state reports a fluctuating 36-47% turnover rate annually (Potter) (Mississippi Department of Corrections, “Staff Shortages Prompting More CWC Closing, Other Changes At MDOC”). This low retention rate is a direct indicator of how unfitting the job is for workers long-term. From a job-seeking individuals’ perspective, other low-wage occupations do not pose as much risk or require control of vulnerable populations. Recalling the salary of workers was a primary concern point in 1948, Senator Fred Jones enthusiastically theorized “salary increases would attract “higher-type” employees (Taylor, 102). His sentiments are echoed decades later. In 2019, Greene County native and Senator Dennis Debar spoke with WLOX, a news station in Jackson, Mississippi. He stated, “Everybody knows around Leakesville that it’s just a matter of time before something bad happens. The ratio of inmates to correctional officers is astronomical. They can overpower our guards at any time, they know it, the correctional officers know it and the citizens know it” (Keeton). He went on to say he attributes the low starting salary of \$25,000 as the reason that nearly half of the staff positions are vacant (Keeton). Mississippi must increase the salary for correctional officers. Furthermore, the rural, non-metropolitan regions in which most of the correctional facilities are located have a limited pool of residents eligible or willing to apply for the position. The institutions were strategically placed out of respect for citizens’ concerns that a correctional facility in their county would be an eye-sore or fear that convicts will escape and terrorize neighbors. The remote nature of these communities, labeled “prison counties,” are lacking in revenue and hence suffering economically

Moreover, the state legislature has reduced the budget for the MDOC by approximately \$215 million over the past six years (Potter). After the refusal of the legislature to meet the

budget requests, the MDOC has significantly cut corners spending \$3,770 per inmate, which is less than two-thirds of the \$5,720 national median expenditure per inmate (McKillop). The MDOC has a dire need for increased funding for their institutions to function properly, safely, and humanely. At the behest of the state, the MDOC is responsible for housing, feeding, clothing, and supervising approximately 24,721 inmates according to their February 2021 Daily Inmate Population report (Mississippi Department of Corrections, “Daily Inmate Population Feb. 2021). Decreasing funding which minimizes the number of staff members who may be hired essentially ensures the thousands of correctional officers needed will not be employed, nor will the outbreaks of violence and general neglect cease.

In the Legislative Budget Office’s report of “General Funds Appropriations for Fiscal Year 2020 and Budget Requests for Fiscal Year 2021”, all departments experienced budgeting decreases with the exceptions of fiscal affairs, public education, social welfare, and the department of military, police, and veterans’ affairs. From 2019 to 2021, the MDOC’s budget decreased by 6.78%. MDOC’s initial request for \$396,282,735 for 2021 was met with the legislature’s appropriation of \$310,898,986, a 1.76% decrease from the previous year. These numbers are continually going down, as the S.B. 2915 approved \$301,771,007.00 for the MDOC for the upcoming 2022 FY. Additionally, the MDOC’s staff request of 3,625 total positions was instead matched with the legislature’s recommendation of 2,162. The MDOC’s request for \$156,471,071 in salaries and fringe benefits was deduced to the legislature’s recommendation of \$102,182,768. Lastly, of the 36 bills reviewed by the legislature’s committee on corrections, only one, S.B. 2795, made it to the floor and was approved by the Senate. Based on these numbers, it appears that the vitality of incarcerated individuals is not a priority on the legislative agenda.

The carelessness of the state legislature in regards to decreasing funding and failure to intentionally address the issue of understaffing has garnered national attention. CBS News conducted a broadcast on January 27, 2020; the headline featured the title “PRISON VIOLENCE SPIKE: CALLS FOR REFORM AFTER INMATE MURDERS & ESCAPES IN MISSISSIPPI” (Albert). Following the death of 10 inmates in a month, current Governor Tate Reeves stated, “I have instructed the Mississippi Department of Corrections to begin the necessary work to start closing Parchman’s most notorious unit, Unit 29. I’ve seen enough. We have to turn the page. This is the first step, and I have asked the department to begin the preparations to make it happen safely, justly, and quickly” (Albert). The closing of Unit 29 would require a large staff presence. 375 inmates were able to be initiated in the transfer to Tallahatchie County Correctional Facility, while 625 inmates would have to remain as the “department [lacked] the staff and resources” to move them to another facility. (Albert). This is unsurprising given an estimated half of the 1,300 correctional staff positions across three of the larger facilities remain vacant (Albert). As more deaths and escapes continued to occur, 29 worried inmates filed a federal lawsuit claiming the conditions were unconstitutional. Rappers Jay-Z and Yo Gotti began to provide commentary and financial support for the involved inmates’ attorney fees. Yo Gotti criticized Governor Reeve’s proposal of simplifying shutting down Unit 29; according to him, more action is required that goes “beyond that, he must implement broader safety measures to address similar issues in other units and urgently provide inmates with medical attention” (Albert). With the assistance of the rappers, 152 inmates were able to file a lawsuit against the prison.

14 inmates are distinctly named on the lawsuit and emphasis as plaintiffs they are additionally advocating others who are also incarcerated. The class action complaint demands a jury and distinctly blames their grievances on Pelicia E. Hall, Tommy Taylor, and Marshal

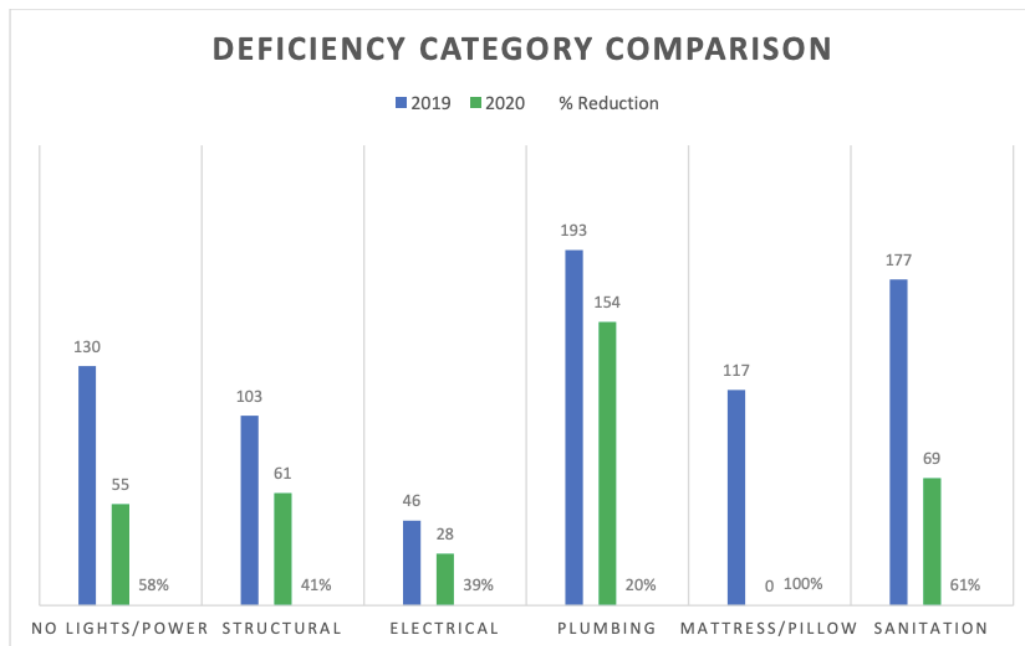
Turner (*Alexander v. Hall*). All three have since stepped down from their positions. Throughout the lawsuit, the plaintiffs reiterate egregious incidents of violence and evidence of depravity due to understaffing. The decrease in funding also means fewer maintenance requests are filled. With the toilets being nonfunctional, the plaintiffs have introduced evidence of “a slew of disturbing images and videos have surfaced showing that inmates are being required to defecate in plastic bags inside of their cells because their toilets are not functional. Their eighth claim cites that “the underfunding also forces people held in Mississippi's person to live in squalor, endangering their physical and mental health. The prisons have failed to provide the necessities, such as a place to sleep. In Parchman, the units are subject to flooding. Black mold festers. Rats and mice infest the prison. Units lack running water and electricity for days at a time” (*Alexander v. Hall*). The repeated failure to meet safety standards has yet to be punished.

One of the inmates from Unit 29 commented on the increasing incidence of violence due to frustration: “I understand we're incarcerated but you're still supposed to treat us like humans. I know it ain't supposed to be easy for us but it ain't supposed to be that hard with our living conditions. If I go two weeks without a shower, of course, I'm going to act out” (Greig). Comments such as these, publicity regarding the situation from the press and the rappers alike, as well as pressure from the American Civil Liberties Union (ACLU) made their way to the United States Department of Justice. On February 6, 2020, the Department of Justice Civil Rights Division opened an investigation into the conditions at the Mississippi State Penitentiary, Southern Mississippi Correctional Institute, Central Mississippi Correctional Facilities, and the Wilkinson County Correctional Facility. Their official press release asserts that “the investigation will be conducted under the Civil Rights of Institutionalized Persons Act (CRIPA)” (United States Department of Justice Office of Communications). According to the act, the “Department

has the authority to investigate violations of prisoners' constitutional rights that result from a 'pattern or practice of resistance to the full enjoyment of such rights.'" The Department of Justice has taken into account the facts that "prison has been cited for violating the Safe Drinking Water Act nearly 100 times since 2012, and the Environmental Protection Agency has cited the prison's sewage system for three years for violating the Clean Water Act" (*Alexander v. Hall*). To date, the investigation is still ongoing and no new details have been released.

It is difficult to assert whether or not the neglect is intentional; rather it appears that with consistent dismissal of funding and staff operating at half-capacity, the prison is simply unable to function. The Mississippi Department of Health inspected Parchman from June 16-18, 2020 (Dobbs, 1). Their publicized 80-page report entails a myriad of deficiencies. Highlighted in red for the kitchen, the inspector emphasizes "no first aid kits in the kitchen to treat injuries" (Dobbs, 13). The report also includes harrowing images of leaking sinks, broken glass, animals trapped or nesting in various parts of the prison, broken toilets, exposed wires, insects, and perhaps the worst, rotten food. Overall, the issues appear to be lesser than those identified in the 2019 inspection. A summary of their report, citing the percentage of types of deficiencies compared to the previous year may be found below.

Figure 4: Deficiency Category Comparison for SFY 2019 and 2020 Sanitation Inspections (Dobbs, 17).



The table shows significant improvements in sanitation and mattress/pillow violations. While some efforts appear to have been made to diminish instances of violations, the 2020 report and included imagery still show flagrant disregard for the safety and well-being of the inmates. MDOC Commissioner Burl Cain reported on January 20, 2021, that the Mississippi Department of Corrections has registered 1,383 COVID-positive inmates with only 21 deaths - the “lowest number by far of COVID-related deaths in southern states”. Additionally, the MDOC’s press releases from January 4, 2021, to March 15, 2021, alone report that 19 inmates alone have died. Most press releases follow with the ambiguous statement, “in each case, the official cause of death is pending autopsy results from the State Medical Examiner, which operates independently of MDOC.” (Mississippi Department of Corrections, “Two MDOC Inmates Die over the Weekend”). No updates or follow-up information is provided; therefore, it is unlikely to be

publicly informed whether or not those deaths were natural, COVID-related, or murders. Despite the ongoing pandemic, inmates are still required to work. The MDOC's COVID-19 Questions and Answers bulletin announces that "inmates have been permitted to return to work provided that all stakeholders remain asymptomatic" (Mississippi Department of Corrections, "Questions and Answers - Mississippi State Penitentiary"). The legislature itself is also reported in Section 8 of the FY 2022 Appropriations bill, "It is the intent of the Legislature that all prisoners at Parchman shall work a minimum of eight (8) hours per day, excluding prisoners with a physical disability or those incarcerated in maximum security." that Both internal and external factors regarding MDOC appear to limit the transparency regarding what happens within those institutions. From 1908 to 2021, the shroud of mystery veiling Parchman and the MDOC has yet to be fully lifted.



## CHAPTER IX: The Fight for Redress: Policy Recommendations

Moving forward, Mississippi must address the issue of overcrowding and understaffing in its correctional facilities to ensure the treatment of inmates is equitable and inhumane. By employing five key strategies, the reputation of the state's penal systems can be rewritten, and potentially viewed as positive and progressive. These key strategies come from recommendations by the Sentencing Project and are stringently applied to Mississippi's current economy and reliance on politics.

### 1. Measures to Get Justice Reforms Underway and Maintain Momentum

Historically, Mississippi politics has played a vital role in the happenings of corrections. Conservative legislators continue to impose "tough-on-crime" laws and perpetuate punitive rhetorics in the justice system rather than rehabilitative ones. Fiscally famished, the politicians are tasked with stretching the state's budget. Serious reconsiderations of where correctional institutions fall on their priority list and legislative agenda must occur. The disregard of some 20,000 incarcerated individuals is a public health and safety issue that constituents should press their elected officials on. Additionally, we must consider that of all bills sent to the corrections committee in the 2021 legislative session, only 1 made it to the floor; nearly all of the remainder died in the committee. These measures to get justice reform underway included the following. H.B. 196, the "Dignity for Incarcerated Women Act", which limited the use of restraints for female inmates during birth, encouraged the placement of incarcerated mothers close to their families and children, increased access to feminine hygiene products at no cost to the inmate, and provided enhanced psychological and physical services for women experiencing postpartum

recovery. H.B. 466 aimed to require the MDOC to spend unused portions of the fund on re-entry programs for prisoners. H.B. 1174 would have authorized early release and hospice care services for inmates with terminal illnesses. S.B. 2136 allowed for the expunction of certain felonies after 20 years of good behavior.

Unfortunately, the one bill from the corrections committee that did pass and was scribed into law is S.B. 2795, also known as the Mississippi Earned Parole Eligibility Act which placed more limitations on who could be granted parole and extended the periods served. Shamefully, Mississippi is continuing to go backward in this area. After the extensive consideration of the economic downfall, social disruption, and personal stunting that Mississippi prison systems impose, this research intends to pose a motion to the legislature to reconsider their stance on correctional policies and reassess their agenda as it pertains to the conditions of incarcerated persons. From the efforts of Governor Vardaman to current Governor Reeves, the perceived importance of correctional care has greatly shifted. National features on prime-time television displaying moldy trays, leaking fixtures, and flooded cells should not be necessary to modify the ongoing circumstances of the state's institutions. Politics is the beating heart for all change in Mississippi, a stagnant state whose populations maintain same-ol', same ol' mentalities. Agenda shifts will have to occur within the chambers, pressured by informed constituents. This research intends to make more individuals, especially Mississippians, aware of the lack of awareness and willingness to reform the realities of incarceration and the negative effects it has on the state.

## 2. Increased Funding and Intentional Expenditure on Resources

The result of this research has indicated that this is perhaps the most obvious, yet an overlooked solution. The MDOC needs more funding. Unable to contract out sufficient staff, medical care workers, food vendors, clothing, and reconstruction, the correctional facilities will

not be able to properly function. “Budgets reflect our values, and the trends revealed in this analysis are a reflection of our nation’s priorities that should be revisited,” said U.S. Secretary of Education John B. King Jr. “For far too long, systems in this country have continued to perpetuate inequity.” (United States Department of Education). Mississippi has increased budgets for their fiscal affairs and education, a valid choice given the shortcomings of both departments. The same applies to the Department of Corrections, needs must be met and funding, as well as legislative attention, is how we, in a democratic society, solve these problems. Year after year, the MDOC requests higher amounts, and year after year, they are given less than the previous year. This presents a clear division between the justice system and the legislature. The MDOC actively engaging in the incarceration of citizens, placing their lives at risk, making difficult decisions with a stringent budget will certainly be able to assess their needs more accurately than an outside legislative body. The failure of the corrections committee to produce more than one piece of legislation on the floor is a direct indicator of this.

It is in the findings of this research that the legislature is strongly urged to meet or exceed the future requests of funding by the MDOC. It is also suggested that the MDOC apply those funds in a manner that enhances the integrity of their institution by interjecting well-trained and humane staff, securing contracts with companies for better food and clothing. Additionally, they are encouraged to bolster the medical services with more advanced equipment and staff, as well as be more transparent and efficient in their release of information concerning prisoner deaths. Given the status of present conditions, large emphasis should be placed on the structural issues with the institutions, especially at Parchman. If the MDOC receives higher funding, they may be able to form a more direct connection with the MDH in the form of a joint-employed staff member whose role is specifically to ensure the MDOC is following all requirements of the

health department. This can be one role or multiple roles. All health risks would essentially be eliminated or pre-empted for the annual inspections. The World Health Organization formally recognizes the link between prisons and public health urging political leaders to “recognize that prisons perform a vital public service, understand how good prison health affects public health, [and ]support close collaboration between prison health and [state] health services” (World Health Organization, “Health in Prisons: A WHO Guide to the Essentials in Prison Health”).

Furthermore, one quantifiable and common measure that various correctional jurisdictions employ to assess deliberate interest in the quality of prison care is the “average cost per inmate” (Subramanian and Mai). This figure includes the amount of money, either annually or daily, that prisons spend on daily living costs of inmates, staff, maintenance of the prison, and prison services. For FY 2020, the MDOC reports the average cost of inmates per day in Mississippi is \$50.53, which would result in a yearly cost of \$18,443.45 (PEER). The PEER Committee, which is the nonpartisan Joint Legislative Committee on Performance Evaluation and Expenditure Review, is featured in the report stating their basis is to have the average costs certified by a public account relies upon the verification of “10% savings required of companies contracted by MDOC to operate the state’s private prisons” (PEER). Private prisons are especially short-changed per this law, while non-private institutions experience diminished costs simply due to the populations’ circumstances. According to data in FY 2018, The Federal Bureau of Prisons reports their average cost of inmates per day ranges from \$94.50 to \$102.60 per day (84 FR 63891); this amount is nearly double that of Mississippi’s.

Nationally, the average annual cost of inmates per year is approximately \$30,000 (Chiu, 5). However, other southern states report similar trends in average costs. In the state of Kentucky, the average cost of inmates per day is \$16,681. In Alabama, the average costs per inmate are

\$14,780; one of the lowest in the nation. In South Carolina, the average cost per inmate is \$20,053 (Subramanian and Mai). It is suggested that Mississippi's budget appropriation for corrections is projected in such a manner that its average cost of inmates is increased by 5%. Therefore, the new average cost of inmates per day in Mississippi should reflect \$53.06 per day spent on inmates, totaling \$19,365.63 per year per inmate. After analyzing the conditions for 2-3 years, this may be increased an additional 5% should positive effects be the result.

### 3. Increased Requirements, Salaries, and Benefits for Correctional Officers

As previously discussed, the current salary for a correctional officer in Mississippi is the lowest in the nation at \$13.88 an hour, with the entry-level salary of \$24,900, Mississippi offers the lowest salaries for correctional staff in the country in 2019 (Mitchell, "Inside The Prison Where Inmates Set Each Other On Fire and Gangs Have More Power Than Guards"). Additionally, the 36% turnover rate is particularly concerning (Potter). The high-stress, long-hour, and low-paying occupation of a correctional officer in Mississippi must be reconditioned into one that is about passion and reform. MDOC Commissioner Burl Cain has refreshingly taken steps to begin addressing prison violence and understaffing by providing increased incomes, benefits, and incentives to hire new correctional officers. "We hired 87 probation and parole [officers] and that's because we were paying in the 30s on them, but we were paying in the 27s on the correctional officers and that dog didn't hunt, so, therefore, it proves we had to raise the pay for correctional officers and that went into effect; it just did, the 1st. We're going to have a new pay plan. We even created ourselves a new motto, it's 'New MDOC, New Pay, New Way'" (Ballou). The MDOC website has featured a flyer, along with other advertisement tactics to bolster their staff. The flyer reads three locations are hiring: The Central Mississippi Correctional Facility, The Mississippi State Penitentiary, and the South

Mississippi Correctional Institution (Mississippi Department of Corrections, “New Way, New Day, New Pay”). The starting salary for correctional officers is \$30,347.15, a \$6,000 increase ((Mississippi Department of Corrections, “New Way, New Day, New Pay”). The MDOC does not currently require a college degree or high school diploma; training will be done on-the-job and trainees will be paid during this time as well (Mississippi Department of Corrections, “New Way, New Day, New Pay”). The department is conducting daily interviews. Additionally, to support the influx of new staff, the MDOC is also hiring correctional officer trainees. Their benefits vary based on education, but the base (not requiring a diploma or GED) offers a \$46,665 compensation package including life insurance, Social Security/Medicare, annual leave, retirement, and health insurance plans. To incentivize individuals to stay, thus bolstering retention, there are additional salary boosts ranging from \$1,000 to \$3,000 (Mississippi Department of Corrections, “New Day, New Way, New Pay”).

Reminiscent of Parchman’s Superintendent Wiggins and associate A.R. Beasley from 1944, Commissioner Cain is also re-implementing faith-based programs and has approved the construction of a new chapel at Unit 30 where inmates will be able to serve as leaders. “So that’s the change. It has to be a moral change or you won’t get the violence out,” Cain states (Ballou). Taking notes from the better part of history, Cain is making great strides in increasing staff. Based upon this research, it appears that higher-educated and numerous staff, in tandem with structural morals-based approaches, are the most effective way to ensure safety and humane practices within correctional institutions. The strong recommendation here is that more emphasis becomes placed on quality over quantity when staffing and that retention is based on the staff’s treatment and progress of rehabilitating inmates.

#### 4. Development of Educational and Social Programs Aimed at Promoting Re-entry and Reducing Recidivism

Once again, as demonstrated under Superintendent Wiggins, Commissioner Cain has made clear that programming will be a key factor in his “New MDOC”. The first among them is the construction of a new chapel as previously stated. However, efforts are being made to continue programming structured around religion. As of January 15, 2021, 52 women incarcerated at the Central Mississippi Correctional Facility have been presented with certificates marking the completion of their “Experiencing God” discipleship course and are eligible or currently enrolled in a four-year fully accredited seminary program via the Leavell College of New Orleans Baptist Theological Seminary (Mississippi Department of Corrections, “Seminary Program Launched for Women at Central Mississippi Prison”). The program is only the second of five programs of its kind nationally and has been available at Parchman since 2009 ((Mississippi Department of Corrections, “Seminary Program Launched for Women at Central Mississippi Prison”). After graduation, the inmates will be allowed to work closely alongside the prison chaplain and their activities will include assisting with baptisms, funerals, worship services, offender emergencies, conducting Bible studies, and leading devotions among other activities ((Mississippi Department of Corrections, “Seminary Program Launched for Women at Central Mississippi Prison”).

Outside of religious programs, it is recommended that MDOC’s Deputy Commissioner Young which oversees programs, education, re-entry, and rehabilitation activities and has plans to expand his reach consider expanding their programmatic reach. Acting under H.B. 585, more funding and tangible programs need to be created or continued vigorously to reduce alcoholism and drug-use by inmates, ensuring incidents of recidivism are minimized. Since its creation in

2014 and the formation of the Oversight Task Force, this legislation has been aimed at holding a variety of jurisdictions (Mississippi Department of Corrections, “Seminary Program Launched for Women at Central Mississippi Prison”). However, the legislature (which introduced and passed this bill) continues to pass laws that hinder its ability to fully ensure incarceration is rooted in rehabilitation and not continued retaliation against convicted offenders. One theme that has emerged in this research is the consistent introduction of restorative justice and claims of improvement, but the number of convictions and denials of parole are still high despite crime rates being steady.

Programs aim to provide educational skills such as GEDs are necessary; furthermore, providing vocational training will reduce boredom and equip inmates eligible for release the opportunity to get a job and ensure they do not have to resort to illicit behavior for income. One district attorney Hal Kitrell has noted the lack of adequate preparation for inmates reintegrating into society, he stated, “We are releasing them into the same neighborhood, with no skill sets, and expecting a different outcome. That’s the definition of insanity” (Mitchell, “Broken Promises and Lost Funding: How Mississippi Prison Reform Failed”)

For the few programs that MDOC does offer, recidivism rates for participants have ranged from 16 to 19%, compared to non-participants' rates of 33%. (Mitchell, “Broken Promises and Lost Funding: How Mississippi Prison Reform Failed”). It is strongly recommended once again that all elected officials, especially correctional committee members, make every effort to push forward tangible programs with explicit language and projected outcomes, rather than ambiguous task forces; additionally, in reiteration to strategy 1 - they must fund these programs appropriately. In commending MDOC on its push to hire more correctional



staff, they must also hire more programmatic directors and engaged facilitators for these programs.

## 5. General Decriminalization

Both the legislature and society play a role in deeming what is criminal or deviant. The truth is that any citizen can find themselves incarcerated. While socioeconomic and psychological factors certainly play a role, each member of society is capable of committing a crime. While the topic of decriminalization applies mostly to the action of loosening sanctions for certain crimes or removing behaviors as a crime altogether, it is encouraged that the process of decriminalization is applied to incarcerated persons directly and not their crimes exclusively. The general disregard of correctional circumstances stems from the quality of people who are imprisoned. The consensus is typically centered around the concept, “Why should my tax dollars go towards murders, rapists, arsonists, and thieves?” The answer is simple. In a democracy, citizens have a prima facie duty to one another. Inmates have already gone before a judge, been declared guilty; yet, we as a society continue to shame and judge them ourselves. When and if prisoners are released, they are met with disdain. It is difficult to seek employment successfully. Your loved ones have been conditioned to your absence. You may have been stripped of certain constitutional rights. Your parole officer may act as a looming presence, reminding you that you could always find yourself back in prison. However, prison is not a democracy; it’s a rule-based, punitive institution. When considering recidivism, facilities must operate in a manner that ensures the intended outcome comes to fruition. If the goal is to have prisoners leave and feel like citizens, in prison, they should be treated as citizens.

Mississippi currently has a 33% three-year recidivism rate, and a five-year recidivism rate of 77%. Being consistently labeled and reminded that one is an offender reinforces that individual's past; they are effectively frozen and become the very thing society tells them they are. Sure, educational and vocational courses are essential to the process of reintegration for financial purposes, but the larger social implications need to be addressed in the form of transitional courses. By reminding prisoners that they are still humans and citizens while incarcerated, they receive positive reinforcement and affirmation that their sentencing is rehabilitative and not detainment. Advocacy groups such as Prisoners Are People Too, Inc. offer correctional institutions resources, service providers, program proposals, and initiatives to interject components of the humane and restorative treatment of offenders. Their motto is "To deny their humanity, is to deny your own" (Amin). Ultimately, it is recommended that MDOC take a more consistent and humane approach to decriminalize those under their supervision in the form of properly funded programs and regulatory staff to ensure the effectiveness of such programming.

## CONCLUSION:

In assessing the historical and current conditions of various correctional institutions in Mississippi, it may be duly asserted that sufficient work has yet to be done. This research has identified the key factor in producing a change is generating awareness to the public and policymakers alike who fail to prioritize corrections on their agendas. Incarcerated persons, their family members, and the people of Mississippi deserve better and should expect better. Gang violence is rampant, rape is frequent, health conditions are harrowing, food and water quality is low. These are direct results of excessive policing and inadequate staffing. While MDOC is actively hiring new correctional staff members, the current rate of increasing incarceration will simply mean the need for staff members is being met retroactively. Until the legislature can produce policies that decriminalized certain offenses and offenders following release, incarceration and recidivism rates will continue to be some of the highest in the nation. By having the legislature meet MDOC's budget requests the department will be able to start providing more incentives for higher-educated staff members, producing evidence-based programs that maximize benefits, and reframing their facilities to be rehabilitative and not punitive. In conclusion, we are all better than the worst thing we have ever done. Once judged, one should not be judged for the rest of their life. I hope that the recommendations and the depictions of real-life stories from this research will be viewed by legislators and citizens of Mississippi alike. I hope that their perception of incarcerated persons and their complacency of society with their conditions will be drastically changed and that they too will join the fight for redress.

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